



**Class A Misdemeanors. These penalty reductions can also reduce incarceration times for misdemeanor controlled substance violations (from Class A to Class B).**

The Kentucky Department of Corrections states this bill would reduce the number of Class D felons housed in county jails, which would result in a cost savings for the state but cost increases for local jails. **The conviction at the misdemeanor level rather than the felony level would provide a cost the county would have to absorb that previously would have fallen under state jurisdiction.** However, **the movement from a Class A misdemeanor to a Class B misdemeanor could provide savings for the county in days less incarcerated.** Misdemeanors are subject to the jurisdiction and cost of the county. Jails may acquire more misdemeanor offenders under this legislation, losing the state per diem for those offenders who would have previously been a state felony conviction. However, while the counties would incur the cost of incarcerating these offenders, as a misdemeanor offense, **there may be fewer incarcerations for the offense of Possession of Controlled Substance, which may provide some level of an offset.**

The costs associated with Class D Felony and Class A and B Misdemeanor incarcerations are described below.

**Class B and Class A misdemeanors:**

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.34 per day.

**Class D and Class C felons:**

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

When a court denies bail to a Class C felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays

jails to house felony offenders. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 24 months or less to their minimum expiration date or parole eligibility date. The Department of Corrections pays local jails \$31.34 per day to house these Class C felons. Since the per diem pays for the estimated average cost of housing a Class C felon, the per diem may be less than, equal to, or greater than the actual housing cost.

**Part III: Differences to Local Government Mandate Statement from Prior Versions**

Part II, above, pertains to the GA version. The GA version is the same as the bill as introduced. No amendments or substitutes were adopted when the bill passed its chamber of origin.

**Data Source(s):** Kentucky Department of Corrections; Kentucky Association of Jailers;

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