

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2020 Regular Session**

Part I: Measure Information

Bill Request #: 96

Bill #: SB 128

Document ID #: 3744

Bill Subject/Title: AN ACT relating to performance-based incentives for jails and making an appropriation therefor.

Sponsor: Senator Jimmy C. Higdon

Unit of Government: City County Urban-County
Unified Local
 Charter County Consolidated Local Government

Office(s) Impacted: Jail

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

SB 128 provides that the Department of Corrections (DOC) pay a fee to the unit of local government or regional jail authority responsible for the administration of that jail when a state prisoner is released early due to sentencing credits earned. The amount of fee will vary based on the credit earned: a ninety day sentencing credit will result in a \$1,000 payment; sixty days results in \$600 payment; and thirty days results in a \$300 payment.

SB 128 requires that a Class D felon who has not received an initial custody classification from the DOC within thirty days from his or her date of conviction be classified by *qualified jail staff* for the purposes of determining safety requirement, health care needs, and programming eligibility of the felon. "*Qualified jail staff*" is defined as a jailer or deputy with a minimum of four years experience. DOC may reclassify the inmate at their discretion.

SB 128 increases the per diem amount paid to the jail by:

- \$2 per day for inmates enrolled in evidence-based programs approved by DOC and that **do not** require instructors to have completed any postsecondary education; and
- \$10 per day for inmates enrolled in evidence-based programs approved by DOC and that require instructors to have completed particular postsecondary courses.

SB 128 provides for a local government or regional jail authority to request a performance-based contract agreement with the DOC inclusive of a negotiated per diem based on the programming, standards, and conditions within the jail. SB 128 details the programming, standards, and conditions the jail must maintain as part of the agreement. A performance-based contract may waive the early release fees and the per diem reimbursement increases related to evidenced-based programming. Inspectors from the Justice and Public Safety Cabinet shall confirm compliance through monthly reports submitted by the county government or regional jail authority and by in-person inspections inclusive of state inmate interviews.

The fiscal impact of SB 128 on local governments could be minimal to moderate dependent on the number of prisoners effected. Although the local government could receive the early release fee of \$300 for thirty days early release, \$600 for sixty days, or \$1,000 for ninety days, this could be significantly less than the \$31.34 per diem reimbursement they would have received from DOC for housing state prisoners. Any expenses not realized due to not housing state prisoners might be expended with non-state prisoners for which reimbursement is not provided.

Currently, the per diem reimbursement paid to local jails by the DOC is \$31.34 per inmate. For an inmate participating in and depending on the evidenced-program the inmate is participating in, the per diem could increase to \$33.34 or \$41.34.

If a performance-based contract is agreed to by DOC and the local government, then the per diem amounts are negotiable and may be more or less than the standard per diem amounts discussed above.

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

Part II refers to SB 128 as introduced.

Data Source(s): LRC Staff, Department of Corrections

Preparer: Wendell F. Butler **Reviewer:** KHC **Date:** 2/7/20