

sentenced to an indeterminate term of imprisonment, the jury may keep the sentence as authorized for the offense or offenses for which the offender presently stands convicted or sentence the offender to an indeterminate term for a persistent felony offender in the **second degree**.

A person convicted of a Class D felony who is found to be a persistent felony offender in the first degree and who is sentenced to an **increased term of imprisonment** shall be eligible for probation, shock probation, or conditional discharge only if the offense did not involve a violent act against a person or a sex crime as defined in KRS 17.500.

If the person is convicted of a Class A, B, C felony, the person sentenced to **an increased term of imprisonment** shall not be eligible for parole until the person has served a minimum term of incarceration of not less than ten years, unless another sentencing scheme applies. Additionally, a violent offender shall not be eligible for parole except as provided in KRS 439.3401.

The impact of SB 235 on local governments is indeterminable, but expected to be minimal. Both Class D felons and Class A misdemeanor offenders are housed in local jails. A reduction in sentence from a Class D felony to a Class A misdemeanor would have little effect.

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.

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.

In situations where an increased sentence is recommended, the local jail may lose reimbursement from DOC since Class C felons are not housed in local jails until nearer their expiration date or parole eligibility date:

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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 bill as introduced.

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

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