



versus 15%) before parole, this designation maybe a significant factor that would preclude Class C felons from being incarcerated in a county jail.

Generally speaking, most Class D felons are required by statute to be housed in one of the 77 full service county jails for up to five years. Class C felons are eligible for placement in county jails only after they are classified at the lowest custody level with 24 months or less until their minimum incarceration expiration date or parole eligibility date. In determining the classification for custody level for the Class C felons, the Department of Corrections reviews many factors, including the severity of the offense, prior criminal record, and disciplinary violations while in custody.

Because the bill lengthens the period of incarceration before parole for Class D felonies, there is a fiscal impact on counties. Currently, a Class D felon is subject to parole eligibility after serving 15% of the recommended sentence (KRS 439.340). Under SB 242, the Class D felon (promoting human trafficking under KRS 520.110) would be required to serve 85% of the sentence.

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.

In 2019, there were nine Class D felony convictions under KRS 520.110. Without SB 242, and assuming those felons received the maximum sentence for a Class D felon of five years, they would be eligible for parole after serving nine months (15%) in the county jail. With SB 242, they would be eligible for parole after serving 51 months in the county jail. For a single Class D felon, this would be approximately 42 months of additional incarceration, or approximately \$39,488.40 (42 months X 30 days average X \$31.34 daily reimbursement from DOC). Again, this may be less than, equal to, or greater than the actual housing cost. Because of the few number of convictions, this is a minimal impact.

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

Part II, above, relates to the bill as introduced.

**Data Source(s):** LRC staff; Kentucky Revised Statutes; Department of Corrections; Administrative Office of the Courts

**Preparer:** Robert Jenkins      **Reviewer:** KHC      **Date:** 3/17/20