

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 an average cost to incarcerate of \$37.35 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average cost to incarcerate of \$37.35 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 average cost to incarcerate of \$37.35, which includes the \$31.34 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 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 average cost to incarcerate of \$37.35, which includes the \$31.34 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. 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

HB 472 GA with Floor amendment 1 makes no change to the fiscal impact of HB 472 as introduced. HB 472 GA passed with Floor Amendment 1, which made the following changes to the bill as introduced:

HB 472 GA deletes original provisions of Section 2 (relating to “direct perpetrators of childhood sexual assault or abuse and third-party individuals and corporate entities who may be criminally liable”) and replaces them with language making it unlawful for an individual or entity to knowingly or negligently allow another individual to commit childhood sexual assault or abuse.

HB 472 GA in Section 2 clarifies that a privilege shall be ground for excluding evidence when an exception to the Kentucky Rules of Evidence is met.

HB 472 GA (deleted original language in Section 3 relating to insurance carriers) and replaces it with language allowing insurance carriers to include an exemption in coverage for intentional conduct of a perpetrator of childhood sexual assault or abuse.

Data Source(s): Kentucky Department of Corrections; Kentucky Jailers Association;
Kentucky Sheriffs Association; Kentucky Association of Chiefs of Police.

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