

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2021 Regular Session**

Part I: Measure Information

Bill Request #: 63

Bill #: HB 497 GA

Document ID #: 6634

Bill Subject/Title: AN ACT relating to persons convicted of crimes.

Sponsor: Representative Kimberly Poore Moser

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

Office(s) Impacted: Jails

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

HB 497 GA requires the following documents be provided to a prisoner, with the prisoner's consent, upon release by the Department of Corrections (DOC):

- criminal history in Kentucky as provided by the Administrative Office of the Courts;
- institutional history including disciplinary violations;
- proof of successful completion of programs approved by DOC;
- proof of high school equivalency diploma or other educational degree obtained while incarcerated or prior to incarceration if known or verifiable by DOC;
- work record and skills learned while incarcerated or prior to incarceration if known and verifiable by DOC;
- operator's license or personal identification card that is a voluntary travel ID document; and
- certificate of employability.

Also to be included are restrictions on employment as a prosecutor or law enforcement officer and the denial, ineligibility, or suspension of a health care professional's license due to substance use disorder.

If an individual falsely states or represents that he or she has a valid certificate of employability issued by DOC, then that individual would be guilty of a Class B misdemeanor. If an individual is convicted of a felony after receiving a certificate of employability, DOC shall revoke the certificate.

The fiscal impact of HB 497 GA is expected to be minimal.

The Department Of Corrections provided the following information: The jobs skills assessment needed to obtain a Certificate of Employments would be provided by a jail staff member, or a provider selected by the jail to provide educational services, or by Skills U, the entity under the Kentucky Education and Workforce Development Cabinet that provides adult education in most county jails. If a state inmate serving in a jail completes a GED, the jail would submit this to DOC where it would be recorded in the Offender Management System (OMS).

The Certificate of Employment would be generated from the OMS as would the other release documents. Either DOC personnel or jail staff would provide the Certificate along with the other documents to the inmate upon release. Since jail staff currently process releases for a number of state inmates, the additional documents would not add substantial burden to the jails workload.

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. 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.

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

HB 497 GA keeps most of the provisions of HB 497 HCS 1 with the following changes:

- the packet of information given to the prisoner upon release is given with the prisoner's consent;
- the criminal history provided the prisoner pertains to crimes committed in Kentucky as provided by the Administrative Office of the Courts at no cost to DOC
- the institutional history provided the prisoner is inclusive of programming approved by DOC, previously it was for programming provided by DOC;
- education and work record prior to incarceration is provided to the extent known or verifiable by DOC
- an individual whose certificate of employability is revoked for committing a felony will not be placed under the jurisdiction of DOC

HB 497 HCS 1 keeps most of the provisions of HB 497 as they relate to local jails with the following changes:

- replaces the issuance of a government issued ID card or documents to assist the prisoner upon release in obtaining government issued identification cards with an operator's license or personal identification card that is a voluntary travel ID document.

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

Preparer: Wendell F. Butler **Reviewer:** KHC **Date:** 3/12/21