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

**Part I: Measure Information** 

Bill Request #: 1412
Bill #: HB 580
<b>Document ID #:</b> 5435
Bill Subject/Title: AN ACT relating to crimes and punishments.
Sponsor: Representative Killian Timoney
Unit of Government: X City X County X Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Jail
Requirement: X Mandatory Optional
Effect on  Powers & Duties: Modifies ExistingX Adds New Eliminates Existing

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

HB 580 forbids a court (except as provided in KRS 439.3108) from revoking probation or conditional discharge unless the court has considered all other sanctions, including graduated sanctions adopted by the Department of Corrections for violations of the conditions of community supervision.

The fiscal impact of HB 580 is indeterminable. The court must exhaust all avenues regarding graduated sanctions in dealing with a person violating the conditions of his or her probation or conditional release. However, if subsequent action by the court results in incarceration for a length of time of 10 to 60 days in any one calendar year as provided by KRS 439.3108, and if the Department of Corrections puts the violator in a local jail, the local jail shall be reimbursed for the cost of incarcerating the individual.

#### 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

Part II refers to HB 580 as introduced.

**Data Source(s):** <u>LRC Staff, Department of Corrections</u>

**Preparer:** Wendell F. Butler **Reviewer:** KHC **Date:** 2/25/21