

phone lines, and scanning equipment in order to digitize inmate mail unless contracted with a vendor to perform this function. Unless the jail already has these in place, an initial outlay of cash would be necessary. Additionally, and possibly harder to accommodate, depending on the jail, would be an area where a prisoner could meet with his or her attorney in private. This might be accommodated by repurposing current jail space or in extreme cases, making structural changes to the jail.

Smaller jails may not currently have the technical or fiscal means of fulfilling these requirements. In that case, they would lose their ability to house state prisoners and subsequently, lose reimbursement from the Department of Corrections for housing these prisoners. The amounts in jeopardy are detailed below.

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.

The Department of Corrections predicts this will have a significant policy and fiscal impact for local jails, but defers to the Kentucky Jailer's Association for a more accurate assessment.

The Kentucky Jailer's Association has been contacted for input. As of the date of this Local Government Mandate Statement (LM), they have not responded. Once a response is received, this LM will be updated accordingly.

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

Part II, above, pertains to the GA version. The GA version is the same as the bill as introduced. No amendments or substitutes were adopted when the bill passed its chamber of origin.

Data Source(s): LRC Staff; KY Department of Corrections

Preparer: Wendell F. Butler **Reviewer:** KHC **Date:** 3/4/21