

SB 267 HCS 1 would have a minimum to moderate fiscal impact on local jails and law enforcement depending on the number of prosecutions, convictions and incarcerations under the bill.

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, which is the amount the Department of Corrections (DOC) pays local jails to house felony offenders and which includes a \$31.34 per diem and medical expenses. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$37.35 per day. One defendant sentenced to 90 days' incarceration would cost the local jail approximately \$3361.50 ($\$37.35 \times 90 \text{ days} = \3361.50).

When a court denies bail to a Class D or 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 of \$37.35 per day, which is the amount the DOC pays local jails to house felony offenders and which includes a \$31.34 per diem and medical expenses. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence.

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. One Class C felon with one year remaining on their jail sentence would cost a local jail approximately \$13,632.75 ($\$37.35/\text{day} \times 365 \text{ days} = \$13,632.75$). 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 applies to SB 267 HCS 1. The only change the House Committee Substitute (HCS) would make to SB 267 GA, would be to change the wording in Section 1(4) from "victim's immediate family member or household" to "victim's immediate family member or household *member*". **The fiscal impact on local jails and law enforcement of SB 267 HCS 1 would be the same as for the GA version of the bill.**

Data Source(s): Department of Corrections; LRC staff

Preparer: Mary Stephens **Reviewer:** KHC **Date:** 3/15/21