



**SB 267 SCS 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 the SCS to SB 267. **The fiscal impact on local jails and law enforcement of SCS would not be materially different from the fiscal impact of the bill as introduced.**

Changes in SCS:

The SCS limits application of the prohibition on dissemination of personally identifiable information to dissemination to a public Internet site or public forum. It is possible this limitation would result in fewer prosecutions and incarcerations than under the original bill, but would not make a measurable difference in fiscal impact. The SCS would delete the reference to interactive computer service as defined in 47 U.S.C. sec. 230(f)(2) for content provided by another person.

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

**Preparer:** Mary Stephens      **Reviewer:** KHC      **Date:** 2/26/21