

The fiscal impact on local jails could be significant. Jail costs are a significant expense for local governments. Drug and narcotics offenses were 21% of total crimes reported by all law enforcement agencies in Kentucky in 2020. The report prepared by the Kentucky State Police, Crime in Kentucky 2020 states that there were 315 offenses reported in 2020 involving fentanyl, alone. The sentencing range for a Class C felony is 5-10 years. 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 74 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 \$35.43, 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. If the per diem exceeds the actual cost of housing a Class C felon then requiring they serve 85% rather than 50% of their sentence before any sort of conditional discharge should make money for the jail. If the per diem is less than the actual cost, the jail will have to find more money in their budget to pay the costs of the additional time the inmate must serve.

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

Part II applies to HB 215 HCS 1. The House Committee Substitute does not change the fiscal impact of the bill as introduced.

HCS 1 proposes the same statutory changes in HB 215 as introduced, and would add the following statutory changes:

--amend KRS 218A.1412 to provide that trafficking in 1 gram of fentanyl would constitute trafficking in a controlled substance in the first degree; and

--add Section 4 to declare HB 215 HCS Dalton's Law

Data Source(s): Kentucky Crime Report 2020; LRC staff; Department of Corrections

Preparer: Mary Stephens (WFB) **Reviewer:** CHM **Date:** 2/21/22