

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 a day. 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 could result in a positive income source for a local 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 before he or she is eligible for probation, shock probation, parole, conditional discharge or other form of early release.

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

Part II applies to HB 215 GA and includes HFA 1 which was adopted by the House. HFA 1 does not change the fiscal impact of HB 215 as introduced.

Changes to HB 215 as introduced:

HFA 1 deleted the amendments to KRS 218A.1412 adopted in HCS 1.

HCS 1 amended KRS 218A.1412 to include in the definition of trafficking in a controlled substance in the first degree "knowingly and unlawfully trafficking in one (1) gram or more of fentanyl, carfentanil, or fentanyl derivatives."

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

Preparer: Mary Stephens (wfb) **Reviewer:** KHC **Date:** 3/16/22