

Lastly, a new section of KRS Chapter 431 is created to require a 12-hour hold for any person charged with the offenses outlined above. Courts may release the defendant in less than 12 hours under specified conditions.

This fiscal impact of this legislation is indeterminable. It is not possible to predict the number of crimes that may be committed under this legislation since it is impossible to predict natural disasters, civil unrest, or other reasons that may necessitate an emergency declaration. Similarly, trying to predict the number of crimes that may occur within the declaration boundaries and only during the period of time the declaration is in force, is impossible. The mandatory 12 hour hold is not likely to significantly affect jails. Local jails will have increased costs as a result of an increase in the number of Class D felons. Similarly, the enhancement of felonies from Class D to Class C will likely increase incarceration time in the local jails. The enhancement of penalties from Class C to Class B and from Class B to Class A will not likely impact jails, as the state is responsible for housing these inmates.

Class D and Class C felons:

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 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. 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. The Department of Corrections pays a jail \$31.34 per day to house a Class D and Class C felon. The per diem may be less than, equal to, or greater than the actual housing cost.

Class A, B, & C felonies

Class A, B, & C felonies are based on an average daily prison rate of \$97.60. Community Custody Class C and most Class D felons are housed in one of seventy-four (74) full service or regional jails for up to five (5) years. Department of Corrections' cost to incarcerate a felony inmate in a jail is \$35.43 per day, which includes \$31.34 per diem, medical costs, and central office administrative costs (substance abuse treatment not included).

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

Part II, above, pertains to the bill as introduced.

Data Source(s): KY Department of Corrections, LRC staff

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