

CORRECTIONS IMPACT STATEMENT

SESSION: 22RS BILL # HB 590 GA BR # 1827 DOC ID #: xxxx

BILL SPONSOR(S): Rep. M. Meredith AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to jails.

SUMMARY OF LEGISLATION: Amend KRS 441.265 to require a prisoner in a county jail to begin paying fees from the prisoner's booking date; require a jail to reimburse and waive fees if a prisoner is not convicted of any charges; require the Department of Corrections to annually adjust the maximum room and board fee of \$50 per day based on changes in the Consumer Price Index; set procedure by which automatic deductions from a prisoner's canteen account may be made by the jail.

AMENDMENT: .

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|--|--|
| <input type="checkbox"/> Creates new crime(s) | <input type="checkbox"/> Repeals existing crime(s) |
| <input type="checkbox"/> Increases penalty for existing crime(s) | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration | <input type="checkbox"/> Decreases incarceration |
| <input type="checkbox"/> Reduces inmate/offender services | <input type="checkbox"/> Increases inmate/offender services |
| <input type="checkbox"/> Increases staff time or positions | <input type="checkbox"/> Reduces staff time or positions |
| <input type="checkbox"/> Changes elements of offense for existing crime(s) | |
| <input checked="" type="checkbox"/> Otherwise impacts incarceration (Explain) <i>jail operations</i> . | |
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STATE IMPACT: 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, & central office administrative costs (substance abuse treatment not included).*

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

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LOCAL IMPACT: Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until disposition of the case. The estimated impact will be based on the \$35.43 cost to incarcerate for the Department of Corrections, including \$31.34 per diem and medical that DOC pays jails to house felony offenders. This cost to incarcerate may not be the actual housing cost for the jail.*

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

HB 590 establishes that a county prisoner shall reimburse the county for expenses incurred for the individual's confinement from the prisoner's booking date, removing current statute wording requiring the sentencing court to order the collection of jail fees. The fiscal impact to the local jails for this measure is unknown.

This matter follows a ruling by the Kentucky Supreme Court in 2021 which determined that only the sentencing court can order the payment of incarceration fees. Therefore, any fees collected from a prisoner must be returned if there is no conviction, as there would be no order from the sentencing court.

Jails may collect imposed fees from detainees both at the time of being booked into a detention center or by withholding money that is placed on the prisoner's jail account for expenses incurred over the duration of the prisoner's incarceration. KRS 441.265(2) outlines the fees that jails may impose.

The legislation establishes under KRS 441.265(1)(b) that jails must return any collected fees and clear any outstanding expenses incurred if the charges do not result in a conviction. Amounts owed for prior confinements or reimbursement for property damaged or injury caused while confined are exceptions.

Under KRS 441.265(2)(a)(2.), the Department of Corrections is required to annually adjust the fifty dollar (\$50) maximum per diem for room and board which jails may collect from detainees. The legislation outlines the basis for the rate assessment.

Under KRS 441.265(6), jails deduct money from a prisoner's property or canteen account to cover incarceration expenses. New language is added to the statute, allowing up to 100% of a detainee's initial deposit to be deducted for fees from a prior detainment or those expenses caused by damage or injury. Fifty percent (50%) is retained from subsequent deposits for other expenses incurred by the prisoner's confinement.

It is unknown how much of a fiscal impact this legislation would have for counties and local detention centers. It is unknown how many individuals who have jail fees ultimately do not receive a conviction. It is also unknown to what extent jails are able collect the imposed fees, which now is reduced under the Court's ruling for those who are not convicted.

Many incarcerated offenders may be indigent and would not have money in their custody upon booking or later in a canteen account for the jail to collect. Additionally, some jails may be more inclined to pursue payments for outstanding jail bills.

This legislation does allow jails to collect money from every convicted offender without relying on the wording to be included in the sentencing order.

PROJECTED IMPACT FROM AMENDMENTS:

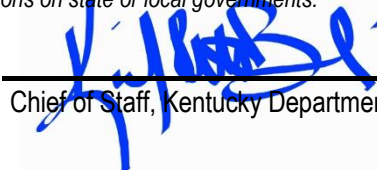
NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

**All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

The following offices contributed to this Corrections Impact Statement:

Dept. of Corrections Dept. of Kentucky State Police Administrative Office of the Courts Parole Board Other

NOTE: Consideration should be given to the cumulative impact of all bills that increase the felon population, lengthens the term or incarceration, or impose new obligations on state or local governments.

APPROVED BY:  3/9/2022
Chief of Staff, Kentucky Department of Corrections Date