

of subsequent deposits to be deducted for any amount owed by the prisoner associated with confinement for a prior arrest and fees and expenses related to property damage or injury.

The fiscal impact of SB 220 is indeterminable. SB 220 could have a significant impact on counties and county detention centers, depending on the number of people that are arrested but are not convicted of the crime for which they were arrested. Additionally, the impact could be greater in counties with higher populations and higher arrest rates as well as counties with jails that serve multiple counties. Currently, the Kentucky Department of Corrections' (DOC) offender management system does not track pre-adjudication detainees. Requests for additional data from DOC the Administrative Office of the Courts (AOC) have been made, but the data cannot be easily and quickly extracted. Upon receipt of additional valid data, this mandate will be updated.

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 DOC, which includes \$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.

If a person is arrested, housed in a county jail until such time as the person is found to be not guilty, released on bond or bail, or has his or her charges dismissed or dropped, and there is no conviction for a crime, counties would be responsible for the entire cost of housing the person while in custody.

AOC records indicate that the total median number of days spent in pre-trial custody by defendants for felony Circuit Court cases is 108 days with the median number of days for Class D offenses of 71 days, 111 for Class C offenses, 191 for Class B offenses, and 343 for Class A offenses. It is likely defendants were in custody from arraignment to indictment as well. Felony cases in District Court had a total median stay of 42 days. The median stay for Class D offenses was 37 days and 113 days for Class A offenses. This is representative of the offense level for those in pretrial custody and not related to the corresponding disposition. To provide a comparison, DOC reports the number of days spent in custody prior to a sentence of felony incarceration for 2021 was 173.5 days.

The following is presented solely as a form of reference, jail costs of defendants who are **incarcerated but not convicted of a crime:**

- 10 days of incarceration would cost county jails approximately \$350 per inmate.
- 50 inmates housed per day would cost jails approximately \$1,770.
- 100 inmates housed for 50 days each would cost approximately \$177,150.

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

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

Data Source(s): Administrative Office of the Courts, Department of Corrections, LRC Staff

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