

- Comply with recommendations of family case management services approved by the Cabinet for Health and Family Services and other conditions as specified.

The fiscal impact of SB 296 to local governments could be moderate. Kentucky law defines nonviolent crime as those which are a Class C felony or less. Research related to similar legislation that passed in Tennessee showed that bills like this would largely affect women because the majority of incarcerated women are primary caregivers of dependent children and the vast majority of women are incarcerated for nonviolent offenses. Kentucky statistics from December 2019 reflected that 56% of adults in state custody were parents, and 64% of those were women. More than 29,000 children had a parent in state custody at that time. This is also a state-wide concern. Between 2017 and 2019, and in every county, at least a third of the people incarcerated in state custody had children.

SB 296 does not contain language regarding who is responsible for any cost associated with the programs listed in the proposal.

Parental incarceration not only impacts the adults who are incarcerated but can also harm children in the long-term if their needs are not appropriately addressed. The impact on children ranges from academics, behavior, and physical and mental health. If the child is provided with a more stable environment, future expenses related to health and mental care, as well as incarcerations, could diminish.

From a local jail perspective, the more offenders participating in parenting-based alternative sentencing, the fewer the number of state-incarcerated individuals. Depending on the actual per diem expense which varies from county to county, the net impact of losing the reimbursement from the Department of Corrections on the local jail could be a gain or loss.

Class B and Class A misdemeanors:

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 74 full service jails or three life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on an average cost to incarcerate of \$35.43 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average cost to incarcerate of \$35.43 per day.

Class D and Class C felons:

When a court denies bail to a Class D 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. The

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

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.

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

Part II refers to SB 296 as introduced. There are no prior versions of this bill.

Data Source(s): LRC Staff; Tennessee Legislature; Kyyouth.org; Kentucky Department of Corrections

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