

If pretrial release is denied, and unless waived by the defendant, the defendant shall have his or her felony offense tried within 180 days of the first court appearance; 90 days for a misdemeanor. If the defendant is not brought to trial within the above time frames, then he or she shall be released unless the court finds there is a risk of harm to a person for which the risk can't be mitigated by nonfinancial conditions or combination of conditions. The court may extend the 180 and 90 day timeframes for good cause.

Any time resulting from delays related to competency hearings or examinations related to competency, and for any period of time for which the defendant is determined to be incompetent to stand trial shall be excluded when determining the 180 and 90 day time requirements. Additionally, for periods prior to August 1, 2026, any delays resulting from the processing of evidence by the Kentucky State Police forensic laboratory shall also be excluded when the resulting evidence would show the defendant to be a risk to a person or persons other than himself or herself.

The fiscal impact of SB 31 on local governments could be a moderate savings to local jails.

If pretrial release is emphasized, fewer defendants will be lodged in local jails. The housing of prisoners, prior to sentencing, is a direct expense to the local government, and thus would be a cost savings. If a Class D or Class C felon is later sentenced to incarceration, a shorter period in jail pre-conviction will mean the offender enters DOC custody with fewer days of jail custody credit, which means he has a longer period of time to serve in state custody, at a cost to the state.

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 as introduced. There are no prior versions of this bill.

Data Source(s): LRC Staff, Department of Corrections

Preparer: Wendell F. Butler (mo) **Reviewer:** KHC **Date:** 1/11/22