

The fiscal impact of HB 398 on local governments is indeterminate but expected to be minimal to moderate depending on the number of DUI convictions in a given jurisdiction. The data reflecting DUI convictions isn't granular enough to discern which charges were of the third, fourth, or subsequent offense, which would provide a more confident estimate on the fiscal impact of **HB 398**. The provisions to escalate a third offense to a Class D felony could increase the amount of time an individual will spend in jail.

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 \$40.11 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 \$40.11 per day.

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 \$40.11, which includes the \$35.34 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 \$35.34 per day to house a Class D felon. The per diem may be less than, equal to, or greater than the actual housing cost.

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

Part II refers to HB 398 as introduced. There are no previous versions.

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

Preparer: Jacob Blevins (WB) **Reviewer:** KHC **Date:** 3/10/23