



imposed sentence, which further affects the likely amount of time that they would spend in a correctional facility.

From 2019 to 2023, there were 11,915 convicted cases of fleeing or evading the police in the second degree and 5,377 convicted cases of fleeing or evading the police in the first degree, so a significant number of defendants could serve longer sentences over a similar period. Additional time served in local correctional facilities would represent a corresponding extra cost to local entities.

Fleeing or evading police in the first degree will result in fewer inmates being housed in local jails with the penalty change from a Class D felony to a Class C felony. This will result in a decrease of reimbursement for the local jail. However, defendants could possibly be transferred to a local jail after they are classified to the lowest custody level or parole eligibility date. Once the inmate is transferred to the local jail, then the local jail would receive reimbursement for housing the defendant.

Fleeing or evading police in the second degree will result in fewer inmates being jailed at the local government's expense with the penalty change to a Class D felony instead of a Class A misdemeanor. The cost to incarcerate is shifted from the local government to the state and would result in a positive impact to local governments.

The cost to local jails are as follows:

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 \$44.97 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 \$44.97 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 \$44.97, 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.

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 \$44.97, which includes the \$35.34 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 \$35.34 per day to house these Class C felons. The per diem may be less than, equal to, or greater than the actual housing cost.

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

**Preparer:** Ryan Brown (BL)      **Reviewer:** KHC      **Date:** 1/17/24