

Section 4 amends KRS 532.200 to replace the list of offenses which are categorized as “violent felony offenses” with the list of offenses which classify a person as a violent felony offender as defined in KRS 439.3401, possession or viewing of matter portraying a sexual performance by a minor, and distribution of matter portraying a sexual performance by a minor.

The expected fiscal impact of HB 25 is slightly negative. Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until the disposition of the case. Adding possession, viewing, or distributing child pornography to the list of violent offenses could impact the controlled intake population housed in county jails. According to the Administrative Office of the Courts, between 2019 and 2023, there were 621 convicted cases involving the possession, viewing, or distributing of child pornography. As inmates are required to serve longer prison sentences before being eligible for release consideration, the turnover in prison inmates will decrease, requiring newly convicted controlled intake inmates to wait longer for available bedspace.

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; Department of Corrections; Administrative Office of the Courts

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