

are more likely to serve their time in state prisons than Class D felons. As amended, KRS 508.060 would significantly lengthen the amount of incarceration time of convicted offenders whose offenses meet the threshold of the new Class C felony violation of wanton endangerment in the first degree.

The bill would have an impact on long-term lodging costs for jails equal to the number of such Class C felony offenders they house who otherwise would have been charged with a Class D felony. It is not known how many convicted offenders that are currently housed would have met this threshold for the enhanced penalty. Statistics received from the Administrative Office of the Courts show there were 7,768 convicted cases of wanton endangerment in the first degree and inchoate offenses from 1/1/2019 to 12/31/2023, though it is not known how many of these cases involved the discharge of a firearm, and thus how many would have met the threshold for a Class C felony instead of the Class D felony.

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): Administrative Office of the Courts; KY Department of Corrections

Preparer: Bart Liguori (RB) **Reviewer:** KHC **Date:** 1/31/24