

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2024 Regular Session**

Part I: Measure Information

Bill Request #: 987

Bill #: SB 347

Document ID #: 7206

Bill Title: AN ACT relating to behavioral health conditional dismissal program.

Sponsor: Senator Whitney Westerfield

Unit of Government: City County Urban-County
Unified Local
 Charter County Consolidated Local Government

Office(s) Impacted: Jails

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

SB 347 revises eligibility criteria for the behavioral health conditional dismissal program. It removes past convictions for a misdemeanor as a disqualifying offense for participation in the program. It further amends KRS 533.274 to require that homeless individuals (as defined in Section 1), whether an eligible defendant or not, be assessed for the presence of a behavioral health disorder. If an eligible defendant, they shall be given preference for participation in the program, and if not, shall be given information for available recovery services, as well as a referral to such services.

The expected fiscal impact of SB 347 is indeterminable, though likely slightly negative. While the behavioral health conditional dismissal program is funded and administered by the state, local jails have specific responsibilities outlined in KRS 533.276 regarding the program. The jailer is required to initiate contact with a qualified mental health professional from the list of approved assessors provided by the Cabinet for Health and Family Services. Clinical assessments must be conducted promptly, within 72 hours. The bill removes misdemeanors as disqualifying convictions for participation in

the program and mandates that homeless individuals, whether eligible defendants or not, undergo assessment for behavioral health disorders. This may lead to a significant increase in workload for jailers. However, it remains unclear whether this would necessitate additional spending on personnel to manage the increased workload.

Data Source(s): LRC Staff

Preparer: Ryan Brown (BL) **Reviewer:** KHC **Date:** 3/5/24