Local Government Mandate Statement
Kentucky Legislative Research Commission
2025 Regular Session

Part I: Measure Information

Bill Request #:	1355	**Bill #:**	HB 291 HCS 1
Document ID #:	5148	**Sponsor:**	Rep. Nick Wilson
Bill Title:	AN ACT relating to crimes and punishments.		

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

Office(s) Impacted: County Jails, Probation Officers

Requirement: ☒ Mandatory ☐ Optional

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

Other Fiscal Statement(s) that may exist: ☐ Actuarial Analysis ☒ Corrections Impact ☐ Health Benefit Mandate ☐ State Employee Health Plan

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

HB 291 HCS 1 would create a new section of KRS Chapter 533 to require that, upon motion by a defendant, courts must consider the defendant's status as a caretaker of a dependent child before imposing a sentence following a conviction for a felony offense. Certain circumstances are exempt, such as the defendant being classified as a violent offender under KRS 439.3401, if the victim is a child, or if statute prohibits probation, shock probation, or conditional discharge.

The court would be required to make written findings concerning a defendant's status as a caretaker of a dependent child. If it is found that a defendant is a caretaker, the court would be required to consider an alternative sentence. When determining whether to do so, the court would be required to consider several listed factors such as criminal history of the defendant and seriousness of the offense. If the court imposes an alternate sentence, the court may, in addition to other reasonable conditions, require the defendant to participate in programs or services focused on parent-child unity or supporting the parent-child relationship.

A court that imposes an alternative sentence under this section would not be allowed to require the defendant to commit to a term of confinement unless the defendant violates the terms or conditions of the alternate sentence. If the defendant violates the terms or conditions of the alternative sentence, the court would be allowed to modify or revoke the alternative sentence and commit the defendant to an institution.

The fiscal impact of HB 291 HCS 1 on local jails is expected to be positive but the extent cannot be determined. Alternative sentencing for primary caretakers may result in less people being incarcerated in county jails for qualifying offenses. An estimate of the number of alternative sentences that courts may pass as a result of this bill cannot be calculated.

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. 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 $47.43 per day. While most misdemeanor defendants are granted bail, those who do not will also cost local jails an average cost to incarcerate of $47.43 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 $47.43, 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 $47.43, 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.

The fiscal impact of HB 291 HCS 1 on probation officers is expected to be minimal. Individuals given alternative sentences may have more probation requirements aimed specifically at the parent-child relationship. Probation officers may be needed to ensure the adherence to and completion of these requirements. Such duties are already conducted by probation officers, so this impact is expected to be small.

Data Source(s): LRC Staff; Department of Corrections

Preparer: JB **Reviewer:** TJ (MDA) **Date:** 2/28/25