

CORRECTIONS IMPACT STATEMENT

SESSION: 25RS BILL #: HB 35 Introduced

BR #: 861

BILL SPONSOR(S): Rep. M. Whitaker

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to jails.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 431 to require payment to the county of a fee and, if applicable, the fees set forth in KRS 532.100(7), for each day a prisoner is charged with a felony and lodged in the county with payment ceasing the day the prisoner is acquitted of the felony charges or has judgment rendered otherwise involving no felony; amend KRS 431.215 to provide that the state pays a fee to counties for lodging prisoners judged guilty of death or confinement to the penitentiary beginning on the date the prisoner is first lodged in the county facility and ending on the day the prisoner is delivered to the penitentiary.

AMENDMENT:

This bill amendment committee substitute is expected to:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Have the following Corrections impact | <input type="checkbox"/> Have no Corrections impact. |
| <input type="checkbox"/> Creates new crime(s) | <input type="checkbox"/> Repeals existing crime(s) |
| <input type="checkbox"/> Increases penalty for existing crime(s) | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration | <input type="checkbox"/> Decreases incarceration. |
| <input type="checkbox"/> Reduces inmate/offender services | <input type="checkbox"/> Increases inmate/offender services. |
| <input checked="" type="checkbox"/> Increases staff time or positions | <input type="checkbox"/> Reduces staff time or positions. |
| <input type="checkbox"/> Changes elements of the offense for existing crime(s) | |
| <input checked="" type="checkbox"/> Otherwise impacts incarceration (Explain): | |

STATE IMPACT: Class A, B, & C felonies are based on an average daily prison rate of \$122.84. Community Custody Class C and most Class D felons are housed in one of seventy-four (74) full-service or regional jails for up to five (5) years. Department of Corrections cost to incarcerate a felony inmate in jail is \$47.43 per day, which includes \$35.34 per diem, medical costs, and central office administrative costs (substance abuse treatment not included).*

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

The legislation would have a significant increase in operational costs due to the increase in payment to county jails.

The fiscal impact of the bill is approximately \$82 million per year for operational and personnel expenses. This estimate is based on the number of new offenders in 2024 who were granted a total of 2,312,591 days of jail credit: \$35.34 X 2,312,591 = \$81.7 million plus \$390,000 to \$640,000 in staffing and system costs.

Population counts and offender data are sourced from the Kentucky Offender Management System (KOMS). Cost to Incarcerate can be found on corrections.ky.gov/public-information. The salary amounts provided are based on the Personnel Cabinet's salary schedule, in addition to taxes and retirement contributions.

LOCAL IMPACT: 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. The estimated impact will be based on the \$47.43 cost to incarcerate for the Department of Corrections, including \$35.34 per diem and medical that DOC pays jails to house felony offenders. This cost to incarcerate may not be the actual housing cost for the jail.*

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

The legislation would result in a substantial income for local governments, driven by higher payments from the state to county jails.

- Based on the number of new offenders in 2024 who were granted a total of 2,312,591 days of jail credit:
 $\$35.34 \times 2,312,591 = \$81,726,965.94.$

Population counts and offender data are sourced from the Kentucky Offender Management System (KOMS). Cost to Incarcerate can be found on corrections.ky.gov/public-information.


PROJECTED IMPACT FROM AMENDMENTS: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

**All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

The following offices contributed to this Corrections Impact Statement:

Dept. of Corrections Dept. of Kentucky State Police Administrative Office of the Courts Parole Board Other

NOTE: Consideration should be given to the cumulative impact of all bills that increase the felon population, lengthen the term of incarceration, or impose new obligations on state or local governments.

APPROVED BY: 
Commissioner, Kentucky Department of Corrections

1/16/2025
Date