

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2025 Regular Session**

Part I: Measure Information

Bill Request #:	861	Bill #:	HB 35
Document ID #:	1002	Sponsor:	Rep. Mitch Whitaker
Bill Title:	AN ACT relating to jails.		

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

Office(s) Impacted: County Jails

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

The proposed legislation mandates that the State Treasury shall pay to the county treasurer the fees set forth in KRS 532.100(7) for each day a prisoner is charged with a felony and lodged in the county jail, detention facility, or correctional facility (hereafter jail or jails). These fees shall be used for the incarceration of prisoners as provided in KRS 441.025.

A new section to KRS Chapter 432 is created and KRS 431.215 is amended to reflect the following.

The fee shall begin on the day the offender is first lodged in the jail and ending on the day that the prisoner is acquitted of the felony charges, or has judgment rendered otherwise involving no felony. For prisoners with an imposed sentence of death or confinement in the penitentiary, the payment shall cease on the day the prisoner is delivered to the penitentiary.

This bill will have a positive impact on local jails. Currently, persons charged with a felony offense are housed in local jails until adjudication and local government must pay all costs associated with the incarceration until the case is disposed. This measure will rebate to the local jail the per diem amount for the time period described above.

The fiscal impact on local jails is indeterminable but could be positively moderate to high, dependent on the number of convicted felons sentenced, in part or in whole, to time served as well as the length of time the inmate was housed before he or she was adjudicated.

Class D and Class C felons:

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. 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): Department of Corrections, LRC Staff

Preparer: HT **Reviewer:** BW (MDA) **Date:** 1/8/25