

Local Government Mandate Statement
Kentucky Legislative Research Commission
2026 Regular Session

Part I: Measure Information

Bill Request #:	253	Bill #:	HB 22
Document ID #:	1444	Sponsor:	Rep. Lindsey Burke
Bill Title:	AN ACT relating to reproductive privacy.		

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

Office(s) Impacted: 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

HB 22 Section 1 creates a new section of KRS Chapter 311 outlining fundamental rights related to reproductive choices. The bill would establish that every individual has the right to choose or refuse contraception, sterilization, and to bear a child or obtain an abortion before fetal viability. The bill would prohibit the state interfering with these rights, including for individuals under state supervision and would prohibit discrimination in the application of these rights. Any state or local official violating these provisions would be subject to federal or state court action for injunctive relief and damages.

HB 22 Section 2 defines “abortion” as the purposeful termination of a pregnancy.

Sections 3 – 7 repeal and re-enact various sections of KRS Chapter 311.

Section 8 amends KRS 311.250 to eliminate the felony sanctions for violations related to performing an abortion.

Section 34 amends KRS 605.110 to provide if a child in the custody of the Department of Juvenile Justice (DJJ) needs medical or surgical care, the department can provide the care or arrange for it through other public or private agencies. DJJ can also give consent for this treatment. However, they cannot permit abortion or sterilization, except as allowed in Sections 31 or 35 of this Act.

The fiscal impact of HB 22 on local government is likely positive. The elimination of the potential for felony conviction for violations related to performing abortions could potentially reduce costs associated with jail incarceration, though the reduction in the number of inmates for violations is undeterminable. Under HB 22, local detention facilities are required to arrange medical care for inmates through private agencies, including abortion care, which may result in additional costs associated with contract management, security measures and transportation.

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. According to a Kentucky Association of Counties (KACO) publication, the average daily cost per inmate to operate county jails in FY 2025 was \$63.44, meaning the current per diem is less than the actual housing cost. However, it is unknown if this negative margin would offset the elimination of felony convictions for violating KRS Chapter 311.

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. According to a KACO publication, the average daily cost per inmate to operate county jails in FY 2025 was \$63.44, meaning the current per diem is less than the actual housing cost. However, it is unknown if this negative margin would offset the elimination of felony convictions for violating KRS Chapter 311.

Data Source(s): LRC Staff, Kentucky Association of Counties

Preparer: HT **Reviewer:** MS (MDA) **Date:** 12/17/25