

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2026 Regular Session**

Part I: Measure Information

Bill Request #:	1047	Bill #:	HB 249/GA
Document ID #:	6334	Sponsor:	Rep. Mitch Whitaker
Bill Title:	AN ACT relating to involuntary commitment.		

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

Office(s) Impacted: Department of Corrections

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 249/GA amends KRS 202C.010 which defines the "Qualifying Offense" category of serious crimes that triggers the legal process for involuntary commitment when a defendant is found incompetent to stand trial. This legislation expands the definition of "Qualifying Offense" to include a felony offense under KRS Chapter 510.

Previously, the list of qualifying offenses included capital crimes, Class A felonies, and certain Class B felonies involving death or serious injury. This bill adds sexual abuse in the first degree to that list. Sexual abuse in the first degree is a Class D felony, unless the victim is less than twelve (12) years old, in which case the offense shall be a Class C felony.

The fiscal impact on local government of HB 249/GA is negative. The fiscal impact of the bill as introduced is unchanged. While the number of convictions under this bill is unknown, there will be costs associated with the investigation of violations and incarceration of perpetrators.

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.

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

Preparer: HT **Reviewer:** TJ (MDA) **Date:** 2/26/26