

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

**Part I: Measure Information**

|                        |                                      |                 |                    |
|------------------------|--------------------------------------|-----------------|--------------------|
| <b>Bill Request #:</b> | 830                                  | <b>Bill #:</b>  | HB 327             |
| <b>Document ID #:</b>  | 2088                                 | <b>Sponsor:</b> | Rep. Nima Kulkarni |
| <b>Bill Title:</b>     | AN ACT relating to pretrial release. |                 |                    |

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

Office(s) Impacted:    Corrections Facilities

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**

Section 1 of HB 327 would amend KRS 431.066 to limit the use of money bail to certain high-risk defendants who have not been charged with violent or sexual offenses. The bill mandates pretrial services to use a validated risk assessment tool to classify defendants as low, moderate, or high risk, considering factors like prior failures to appear, criminal history, and public safety concerns.

Under the proposed bill, low-to-moderate risk defendants charged with violations, misdemeanors, or Class D felonies—excluding violent, sexual, or enhanced scrutiny offenses—must be released under nonfinancial conditions and are generally released on their own recognizance, unless convicted of a violent or sexual offense within the past five years.

HB 327 would provide that low-risk defendants charged with Class A, B, or C felonies may also be released on their own recognizance, provided they are not charged with violent, sexual, or enhanced scrutiny offenses. For enhanced scrutiny offenses, the court

could impose additional nonfinancial conditions. For violent or sexual offenses, courts have discretion whether to detain the defendant until a detention hearing is held.

Moderate risk defendants charged with Class A, B, or C felonies (excluding violent, sexual, or enhanced scrutiny offenses) would generally be released on their own recognizance. The court would be authorized to impose additional nonfinancial conditions. For enhanced scrutiny offenses, the court would have discretion to detain the defendant. For violent or sexual offenses, detention until a hearing would be mandatory.

Under HB 327, high-risk defendants charged with violations, misdemeanors, or Class D felonies would be allowed to be released on their own recognizance with additional nonfinancial conditions. For high-risk defendants charged with Class A, B, or C felonies (excluding violent, sexual, or enhanced scrutiny offenses), the court would be allowed to release the defendant with or without nonfinancial conditions or detain them pending a hearing. High-risk defendants charged with violent, sexual, or enhanced scrutiny offenses would be required to be detained until a detention hearing is held.

Under the bill, defendants charged with felony drug offenses under KRS Chapter 218A would be subject to additional provisions. These defendants would be required to undergo substance abuse screening and participate in treatment programs as recommended by pretrial services and ordered by the court. Refusal to participate in screening would not disqualify the defendant from pretrial release. Pretrial services would be responsible for conducting screenings and making treatment referrals as necessary.

Section 2 of HB 327 would create a new section of KRS 431 to establish procedures for detention hearings under Section 1. It outlines the factors a court may consider when determining whether to detain or release a defendant. Additionally, it authorizes the use of money bail only for defendants who pose a high risk, are at risk of failing to appear, do not pose a public danger, and are not charged with a violent or sexual offense. The bill specifies that courts would be authorized to impose money bail solely to ensure the defendant's appearance in court. It prohibits the imposition of money bail to protect public safety, prevent obstruction of justice, or prevent release.

The amount of money bail would be required to be compliant with Section 5 of HB 327 (which amends KRS § 431.525 to align the determination of bail amounts with the release and bail requirements outlined in this bill). It requires bail to be sufficient to ensure compliance with the conditions of release set by the court, not oppressive, commensurate with the nature of the offense charged, considerate of the defendant's past criminal acts and reasonably anticipated conduct if released, and considerate of the defendant's financial ability.

Sections 3 through 10 of HB 327 would amend various statutes related to pretrial release, money bail, and bail bonds to align with the changes outlined above.

Section 11 of HB 327 would repeal KRS 431.021, which currently permits guaranteed arrest bond certificates in traffic cases.

**The fiscal impact of HB 327 is indeterminable, but is expected to be minimal to moderate.**

The number of defendants that would be impacted by this legislation is indeterminable, as it would require implementation of the validated pretrial risk-assessment tool. According to the Kentucky Department of Corrections, HB 327 would decrease the pre-trial jail population, thereby lowering the costs for counties responsible for housing pre-trial detainees.

**Class B and Class A misdemeanors:** 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 the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average cost to incarcerate of \$47.43 per day.

**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.

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.

**Substance Abuse Program:** Under the oversight of the Kentucky Department of Corrections, nineteen full service jails provide a total of twenty-eight in-patient substance abuse programs (SAP). The Page 4 estimated average cost of incarcerating a convicted felon participating in a SAP is \$57.43 per day. The amount reimbursed by the

Department of Corrections is \$10 more than the \$35.34 per day reimbursement. Since the \$45.34 per diem pays for housing a convicted felon participating in a SAP, the per diem may be less than, equal to, or greater than the actual housing cost.

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

**Preparer:** JR **Reviewer:** TJ (MDA) **Date:** 2/12/26