

CORRECTIONS IMPACT STATEMENT

SESSION: 26RS BILL #: HB 361 Introduced

BR #: 1772

BILL SPONSOR(S): Rep. J. Bauman, K. King

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to sanctuary policies.

SUMMARY OF LEGISLATION: Create new sections of KRS Chapter 61 to define terms; prohibit state and local governmental entities from adopting sanctuary policies; require law enforcement agencies to use reasonable resources to support the enforcement of federal immigration law; prohibit policies which would restrict the sharing of information with federal immigration agencies; require compliance with federal requirements when a defendant subject to an immigration detainer has been sentenced in a criminal case; require correctional facilities to provide information regarding the date of discharge to federal immigration agencies and cooperate in the transfer of an inmate to federal custody; require completion of a sentence before an inmate may be transferred to federal custody in cases where the inmate is a violent offender; require a law enforcement agency to provide notice to a judge if a person in their custody is subject to an immigration detainer; require counties to endeavor to enter into agreements with federal immigration agencies regarding the housing of persons in county jails who are subject to immigration detainers; create a rebuttable presumption that a state or local officer who intentionally violates any of the provisions of the Act has committed malfeasance and neglect of duty and is subject to impeachment; allow the Attorney General to make findings that a local government has violated the Act; and to withhold road aid funding if the local government willfully violates the Act by refusing to cease a violation; create a private right of action against an official that has adopted a sanctuary policy; waive immunities when a person is injured by a person released as a result of a sanctuary policy; amend KRS 177.360 and 177.366 to require transfer of road aid moneys to be suspended upon notice by the Attorney General of willful violations by a local government and reinstated upon notice by the Attorney General of compliance; provide that the Act may be cited as the Lawful Immigration System Act of 2026.

AMENDMENT:

This bill amendment committee substitute is expected to:

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| <input type="checkbox"/> Have the following Corrections impact | <input checked="" 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 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 type="checkbox"/> Otherwise impacts incarceration (Explain): | |

STATE IMPACT: Class A, B, & C felonies are based on an average daily prison rate of \$116.41. 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 \$46.51 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 no impact on operational costs at the state level.

There are approximately 264 inmates with active INS detainees, 162 (62%) of whom are violent offenders.
Population counts and offender data are sourced from the Kentucky Offender Management System (KOMS).

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 \$46.51 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 have no impact on operational costs at the local level.

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:  1/30/2026
Commissioner, Kentucky Department of Corrections Date