

CORRECTIONS IMPACT STATEMENT

SESSION: 26RS BILL #: HB 491

Introduced

BR #: 1843

BILL SPONSOR(S): Rep. DJ Johnson

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to long-term care facilities.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 216 to define terms; permit a resident of a long-term care facility to install an electronic monitoring device; require a resident to give consent to install an electronic monitoring device; establish the actions that a resident and a facility may take if consent is granted or if consent is not granted; require the cabinet to create a form to authorize the installation and use of an electronic monitoring device and set requirements; establish installation, use, and retention requirements for devices and recordings; require a long-term care facility to post a notice that an electronic monitoring device is used in a room; prohibit a resident from being discriminated or retaliated against because of the decision to authorize and use an electronic monitoring device; establish guidelines on who can view or listen to the images displaced by the monitoring device; prohibit unauthorized individuals from destroying the device or recordings; establish limits on liability and liability defenses; require the Cabinet for Health and Family Services to promulgate administrative regulations; exempt specific provisions if a monitoring device is installed by a law enforcement agency; establish penalties.

AMENDMENT:

This bill amendment committee substitute is expected to:

- | | |
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| <input checked="" type="checkbox"/> Have the following Corrections impact | <input type="checkbox"/> Have no Corrections impact. |
| <input checked="" 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.

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 likely result in a minimal increase in operational costs at the local level by creating a new Class B misdemeanor.

Establishing new misdemeanor offenses could result in additional county prisoners being housed in county jails. A Class B misdemeanor is up to 90 days in jail. Misdemeanants are housed at county jails, and associated costs are the responsibility of the local fiscal court. DOC does not incur a cost for misdemeanor offenders.

- One (1) Class B misdemeanor: up to \$4,185.77

- Ten (10) Class B misdemeanants: up to \$41,857.74
- One hundred (100) Class B misdemeanants: up to \$418,577.42

Cost to Incarcerate can be found on corrections.ky.gov/public-information

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:  3/6/2026
 Commissioner, Kentucky Department of Corrections Date