

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

**Part I: Measure Information**

<b>Bill Request #:</b>	145	<b>Bill #:</b>	HB 76
<b>Document ID #:</b>	1603	<b>Sponsor:</b>	Rep. T.J. Roberts
<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: 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 76 adds a new section of KRS Chapter 431 that prevents any person who cannot provide proof that he or she is a citizen of the United States, or otherwise lawfully permitted to be in the U.S., from being considered a verified and eligible defendant, released from custody on his or her own recognizance or bail, or administratively released.

This bill also requires jails or agencies that have custody of this person must notify the U.S. Department of Homeland Security to determine whether the person is legally permitted to be in the U.S., or subject to an Immigration and Customs Enforcement detainer.

HB 76 stipulates that a person who is being held under this statute may not remain in custody longer than 48 hours, after which they are eligible to be released.

Finally, HB 76 states that a person's inability to produce proof of citizenship or legal resident status shall be considered when completing his or her pretrial risk assessment.

**The fiscal impact of HB 76 is indeterminable, but expected to be negative.** There are costs associated with the investigation of violations and incarceration of offenders.

A person who has been arrested for a crime is housed in one of Kentucky's 74 full-service jails or three life safety jails. While the expense of housing inmates varies by jail, the estimated impact will be based on an average cost to incarcerate of \$44.97 per day.

**Data Source(s):** Department of Corrections

**Preparer:** JR **Reviewer:** TJ (MDA) **Date:** 12/23/25