

# CORRECTIONS IMPACT STATEMENT

SESSION: 26RS BILL #: HB 762 GA BR #: 4

BILL SPONSOR(S): Rep. S. Dietz, J. Petrie

AMENDMENT SPONSOR(S): S. Dietz,

TITLE: AN ACT relating to legal representation.

**SUMMARY OF LEGISLATION:** Amend KRS 31.010 and 31.020 to make technical corrections; amend KRS 31.030 to require the annual report filed by the Department of Public Advocacy to inform the LRC and the public of the work of all divisions of the department; amend KRS 31.110 to provide that the Department shall provide legal representation to a person who is accused of being in contempt of court for noncompliance with a court-ordered obligation only when the obligation arises out of a criminal prosecution or conviction or an action or adjudication for a public or status offense; create a new section of KRS Chapter 31 to provide that the Department of Public Advocacy shall not be appointed by a court to provide legal representation unless specifically authorized by KRS 31.110; amend KRS 31.211 to provide that any attorney providing legal representation under KRS Chapter 31 shall forward all information that indicates payment or reimbursement for services to the public advocate; amend KRS 31.215 to provide that any attorney providing legal representation under KRS Chapter 31 shall not accept fees for legal representation; create an exception for unsolicited gifts of de minimis value; amend KRS 31.219 to provide that any attorney providing legal representation under KRS Chapter 31 shall file a notice of appeal after trial if requested by his or her client; amend KRS 202A.121 to provide that an attorney appointed under KRS Chapter 202A shall be paid a fee fixed by the court not to exceed \$500; direct the secretary of the Personnel Cabinet to work with the Department of Public Advocacy to develop and implement a new classification series for Department of Public Advocacy Trial Attorneys; make technical corrections.

**AMENDMENT: HFA 1:** Retain original provisions, except allow for all classified attorneys within the Department of Public Advocacy be eligible for reclassification.

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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 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 checked="" type="checkbox"/> Changes elements of the offense for existing crime(s) |  |
| <input type="checkbox"/> Otherwise impacts incarceration (Explain):                       |  |

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**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 likely result in a minimal increase in operational costs at the state level by expanding the definition of an existing Class D felony. Section 7 expands the statute to apply to any attorney providing representation.

Class D felons are housed in a county jail, and DOC pays counties a per diem for housing those inmates. A Class D Felony sentence is 1 to 5 years.

- One (1) Class D Felon costs KY \$16,975.64 to \$84,878.20
- Ten (10) Class D Felons cost KY \$169,756.40 to \$848,781.99
- One hundred (100) Class D Felons cost KY \$1,697,563.98 to \$8,487,819.88

Cost to Incarcerate can be found on [corrections.ky.gov/public-information](http://corrections.ky.gov/public-information).

**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)

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**PROJECTED IMPACT FROM AMENDMENTS:**  NONE  MINIMAL to MODERATE (< \$1 million)  SIGNIFICANT (> \$1 million)

HFA 1/GA: No additional impact

*\*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:   
Commissioner, Kentucky Department of Corrections

3/23/2026  
Date