

The fiscal impact of HB 310 SCS 1 is indeterminate and minimal. There will be some additional time and effort costs associated with training, and with the additional hearing and notification requirements as a consequence of adding Class D felony “sex crime” offenses to the Class A, B, and C offenses, which presently require additional hearing and victim notification requirements.

There may also be some impact on local jail incarcerations of Class D felons convicted of “sex crimes” as a consequence of fewer Class D felony paroles/probations for such offenses. Costs associated with Class D felony incarcerations are described below.

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 77 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 \$37.35, which includes the \$31.34 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 \$31.34 per day to house a Class D felon. The per diem may be less than, equal to, or greater than the actual housing cost.

Part III: Differences to Local Government Mandate Statement from Prior Versions

The fiscal impact of HB 310 SCS 1 is essentially the same as for HB 310 GA.

The changes made by HB 310 SCS 1 to HB 310 GA occur on page 10, lines 10 to 22. The new change shifts responsibility for petition for involuntary hospitalization under Chapters 202A and 202B from the prosecutor to the judge for defendants found incompetent to stand trial on lower level charges. **This change aligns with how this process occurs currently under the existing statute and makes no change to the fiscal impact.**

Data Source(s): Kentucky Jailers Association; Kentucky Sheriffs Association; Kentucky Commonwealth Attorneys Association; Kentucky Association of Chiefs of Police

Preparer: H. Marks **Reviewer:** KHC **Date:** 3/29/21