

1 AN ACT relating to municipal payments to counties for jails and declaring an  
2 emergency.

3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

4 ➔Section 1. KRS 441.035 is amended to read as follows:

5 **(1) (a)** The United States may use the jail of any county, ~~[and any city may use the~~  
6 ~~jail of the county in which the city is located for the incarceration of prisoners~~  
7 ~~charged with or convicted of violations of the city's ordinances, ]~~by paying the  
8 county the fees set by agreement with the fiscal court for the type of services  
9 rendered. Any jailer shall receive and confine in jail, until lawfully  
10 discharged, persons committed under the laws of the United States~~[or for a~~  
11 ~~violation of the ordinances of any city within the county]~~.

12 **(b)** ***Any jailer shall receive and confine in jail, until lawfully discharged, any***  
13 ***person charged with a violation of an ordinance of any city within the***  
14 ***county.***

15 **(2) (a)** ***The legislative body of a city shall enter into an interlocal agreement under***  
16 ***the provisions of KRS 65.210 to 65.300 with the legislative body of the***  
17 ***county in which the city is located to share in the cost of housing prisoners***  
18 ***who are arrested within the boundaries of the city and are charged with any***  
19 ***misdemeanor or felony and are lodged in jail. A city and county shall have a***  
20 ***completed agreement by July 1 of each year. An agreement may encompass***  
21 ***multiple years. A city and county may agree to any amount and frequency***  
22 ***of payment in the interlocal agreement. Cities and counties shall enter into***  
23 ***an initial agreement by July 1, 2024. If a city and county fail to agree within***  
24 ***the prescribed time limit, then the provisions of paragraph (b) of this***  
25 ***subsection shall apply.***

26 **(b)** ***If a city and county fail to enter into an agreement set out in paragraph (a)***  
27 ***of this subsection, the city shall, by default, be responsible for paying forty***

1           percent (40%) of the actual costs of the daily expenses incurred by the  
2           county for each prisoner arrested within the boundaries of the city and  
3           charged with any misdemeanor or felony for the year ending June 30. The  
4           payments shall be made to the county on a quarterly basis.

5           (c) The city shall only be responsible for paying for the costs related to felonies  
6           from the time of arrest and confinement within the jail to the date per diem  
7           payments commence prescribed in KRS 431.215.

8           (d) If a city and county have entered into an agreement prior to the effective  
9           date of this Act, the provisions of this section shall not apply until the  
10           expiration date of that agreement.

11           ➔Section 2.     Whereas, jail costs consume vast county fiscal resources, an  
12           emergency is declared to exist, and this Act takes effect upon its passage and approval by  
13           the Governor or upon its otherwise becoming a law.