

- of occupancy; or
3. Any other action deemed appropriate for redress of the violation.

The fiscal impact of SB 115 SCS on local jails and law enforcement would be minimal.

SB 115 SCS would create two new misdemeanors and one new felony. A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 74 full-service jails or three life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on an average cost of \$40.11 per day. While the majority of misdemeanor defendants are granted bail, those who are not will also cost local jails an average of \$40.11 per day. One Class A misdemeanant incarcerated for 90 days to 12 months would cost a local jail \$3,609.60 to \$14,638.94. One Class B misdemeanant incarcerated for up to 90 days would cost the local jail up to \$3,609.60.

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 74 full-service jails or three life safety jails. Upon sentencing, a Class D felon is housed in one of Kentucky's full-service jails for the duration of his or her sentence. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an average of \$40.11, which includes the \$35.34 per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. 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

Part II applies to SB 115 as amended by Senate Committee Substitute 1. The SCS would either reduce or leave unchanged the fiscal impact of SB 115 on local governments, depending on how many people are arrested and incarcerated for violation of its requirements. The senate committee substitute limits the Act's application to sexually explicit performances and female and male impersonators on publicly owned property or locations where minors may view a performance. It eliminates all other siting requirements in SB 115 as introduced.

Data Source(s): Department of Corrections; LRC staff

Preparer: Mary Stephens (JB) **Reviewer:** KHC **Date:** 3/8/23