

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2021 Regular Session**

Part I: Measure Information

Bill Request #: 1166

Bill #: HB 310 GA

Document ID #: 2802

Bill Subject/Title: AN ACT relating to crimes and punishments and declaring an emergency.

Sponsor: Representative Samara Heavrin

Unit of Government: City County Urban-County
Unified Local
 Charter County Consolidated Local Government

Office(s) Impacted: Local jails, Commonwealth Attorneys, local police and sheriffs

Requirement: Mandatory Optional

Effect on

Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 310 GA amends KRS 439.340 to **require notice and hearings prior to parole of persons convicted of a Class D felony classified as a sex crime under KRS 17.500**. It amends KRS 510.037, 456.010, and 403.720 to clarify that inchoate offenses (criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, or sexual abuse) are included in the statutory offenses.

HB 310 GA amends KRS 504.110 to refer certain violent criminal defendants who are incompetent to stand trial with no substantial probability of attaining competency to a new type of involuntary commitment to be created in KRS Chapter 202C. HB 310 creates definitions; assigns guardian ad litem; establishes hearing procedures and commitment criteria; establishes a schedule and procedures for review hearings; creates procedures and protections for patients; and allows for promulgation of administrative regulations, and declares an EMERGENCY.

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

HB 310 GA passed with floor Amendment 3 to HB 310 retaining the original provisions of HB 310; and amended KRS 504.110 to refer certain violent criminal defendants who are incompetent to stand trial with no substantial probability of attaining competency to a new type of involuntary commitment to be created in KRS Chapter 202C. The amendment created definitions; assigned guardian ad litem; established hearing procedures and commitment criteria; established a schedule and procedures for review hearings; created procedures and protections for patients; allowed for promulgation of administrative regulations; and declared an EMERGENCY.

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:** 3/16/21