Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2015 Regular Session

Part I: Measure Information

Bill Request #: 396 R3
Bill #: HB 286
Bill Subject/Title: Creation of "gross" misdemeanor
Sponsor: Representative Yonts
Unit of Government: X City X County X Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: County jails; County governments
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing

Part II: Purpose and Mechanics

HB 286 amends KRS 500.080(10), defining a misdemeanor as an offense with a maximum sentence of 24 months instead of the current 12 months. It amends KRS 530.050 to reduce the penalty for a flagrant nonsupport offense from a Class D Felony to a gross misdemeanor. It amends KRS 532.020 to provide any offenses outside the penal code with a term of imprisonment in the state of more than 12 but less than 24 months will be classified as a gross misdemeanor. Additionally, gross misdemeanors can be probated, and can be modified by a trial judge if the judge believes a sentence of 24 months is too harsh. A person convicted of a gross misdemeanor is considered a state prisoner.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact of HB 286 on local government is expected to be minimal.

Class A and B misdemeanants serve their sentence in local jails paid for by the local county. Gross misdemeanants would serve their sentence in local jails, but the cost would be reimbursed by the Department of Corrections (DOC) in a manner similar to Class D Felons.

Upon sentencing, a gross misdemeanant would be housed in one of Kentucky's full service jails for the duration of his or her sentence. DOC would pay a jail \$31.34 per day to house a gross misdemeanant. While the expense of housing inmates varies by jail, the per diem would pay the estimated average cost of housing a gross misdemeanant. It is worthy of note, that the current sentence for flagrant nonsupport is a maximum sentence of five years, while under HB 286 the maximum sentence would be two years. Since Class D Felons also serve their sentence in local jails at the same DOC reimbursement rate, the amount of total reimbursement collected for gross misdemeanants (rather than a Class D Felons) would be less for proportionally less time in jail.

Data Source(s): LRC staff; Kentucky Department of Corrections, Administrative Office of

the Courts.

Preparer: Daniel Carter **Reviewer:** MCY **Date:** 2/5/15