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

**Part I: Measure Information** 

| Bill Request #: 395 R2  |  |  |  |
|---|--|--|--|
| Bill #: HB 305  |  |  |  |
| Bill Subject/Title: An ACT relating to crimes and punishments.              |  |  |  |
| 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 305 reduces the penalties of several Class A and Class B misdemeanors to violations, with fines varying from \$100 to \$1000, depending on the offense. Most offenses under this bill have been reduced to \$100 fines. HB 305 also indicates that all offenses classified as violations under select KRS chapters are prepayable, except for those where the offense could result in license suspension or revocation, the offense is cited with another that is not prepayable, the offense is made as an arrest under KRS 431.015, or where the offense is seized by the officer and there is a court date set on the citation.

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

The fiscal impact of HB 305 on local jails is expected to be an unknown savings.

The Administrative Office of the Court reported that, in 2014, **14,114 defendants were arrested on charges affected by the bill.** The most common arrests were for public intoxication, possession of drug paraphernalia, disorderly conduct, possession of marijuana, and criminal trespass in the third degree. Criminal trespass in the third degree is currently a violation.

The reduction of penalties from misdemeanors to violations would result in savings

for local jails both prior to sentencing and after sentencing. 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 one year. Misdemeanants are housed in one of Kentucky's 78 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.34 per day.

| Data Sourc | ce(s): Adn  | inistrative Office of the Courts; Department | artment of Corrections |
|------------|-------------|--|------------------------|
| Preparer:  | Daniel Cart | er <b>Reviewer:</b>                          | Date:                  |