

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

Part I: Measure Information

Bill Request #: 1499

Bill #: HB 354

Bill Subject/Title: AN ACT relating to assault in the third degree.

Sponsor: Representative Tanya Pullin

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

Office(s) Impacted: _____

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Purpose and Mechanics

HB 354 amends KRS 508.025 to include individuals who attempt or succeed to cause physical injury to an employee of a public utility or electric cooperative, using a deadly weapon, as guilty of assault in the third degree. Assault in the third degree is a Class D felony.

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

HB 354 should have minimal impact on local governments.

HB 354 would have minimum fiscal impact on local jails. Currently, an individual who is convicted of assault in the third degree is guilty of Class D felony. When a court denies bail for Class D felony defendants, the local government is responsible for incarcerating the defendants until disposition of the case 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 \$31.34 per day. The Department of Corrections pays a jail \$31.34 per day to house a Class D felon, and under some conditions, a Class C felon. Because assault in the third degree is a Class D felony, local jails will be reimbursed by the Department of Corrections, and would result in

minimal cost to local jails. However, the per diem may be less than, equal to, or greater than the actual housing cost.

Additionally, the bill would have minimal fiscal impact on local law enforcement. The Association of Chiefs of Police noted that many individuals who are charged with committing assaults against public employees are also charged with other offenses. The Kentucky County Attorneys' Association also indicated that this bill would have minimal fiscal impact on county attorneys.

Data Source(s): Department of Corrections; Association of Chiefs of Police; Kentucky County Attorneys' Association

Preparer: Daniel Carter **Reviewer:** MCY **Date:** 2/23/15