

The penalty provision of HB 385 provides that an initial violation will result in a warning citation being issued with no court appearance or penalty. Subsequent offenses will result in a \$500 fine. The legislation further provides that if a violation of the legislation results in injury, the marine owner or operator is guilty of a Class B misdemeanor, and if the violation results in the death of an individual, the owner or operator will be guilty of a Class A misdemeanor.

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

The fiscal impact of HB 385 on local governments is expected to be a minimal increase in cost.

This proposal could impact larger riverfront facilities such as those owned by Louisville and Paducah. These cities are currently involved in major riverfront construction projects. It could also impact smaller community park facilities similar to Jacobson Park in Lexington. Affected structures include those used for boat dockage, as well as, other water-related activities such as fishing.

Local law enforcement will undoubtedly be called upon to investigate violations of the provisions of HB 385. When convicted of a criminal violation, local governments are responsible for the cost of incarcerating an individual who does not make bail when charged with a misdemeanor offense under the provisions of the act as well as an individual convicted of such an offense. While the expense of housing inmates may vary by jail, each additional inmate will increase facility costs by an estimated average \$31.34 per day.

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 there will be some increase in costs to local governments resulting from the investigation and prosecution of violations of HB 385, the number of violators is expected to be **small**, therefore, it is believed that the additional costs will be **minimal**.

Data Source(s): LRC staff, Kentucky Department of Fish and Wildlife, Paducahky.gov;

Preparer: Wendell F. Butler **Reviewer:** MCY **Date:** 2/6/15