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

Part I: Measure Information

Bill Request #: 1176
Bill #: HB 439
Bill Subject/Title: An ACT relating to strangulation.
Sponsor: Representative Mike Denham
Unit of Government: x City x County x County x Consolidated Local x Urban-County Unified Local X Government Office(s) Impacted: law enforcement, jails
Requirement: x Mandatory Optional
Effect on Powers & Duties: x Modifies Existing x Adds New Eliminates Existing
Part II: Purpose and Mechanics
Strangulation as a form of assault is not defined in statute. HB 439 creates new sections of KRS Chapter 508 (which covers various forms of assault) to create two new crimes:
"Strangulation in the first degree" (as a Class C felony), as defined in Section 1; and
"Strangulation in the second degree" (as a Class D felony), as defined in Section 2.
It also amends KRS 403.761 to include the offense of strangulation as one of the offenses considered by a court when deciding whether a person has committed a substantial violation of a domestic violence order. First degree strangulation is defined the same as "strangulation in the second degree" but with any one of seven aggravating circumstances.

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

The fiscal impact of HB 439 on law enforcement, prosecutorial offices, and jails is expected to be minimal.

It can be expected that some assault-related crime convictions could be increased from Class A misdemeanor status to Class D felony, status and from Class D felony status to Class C felony status.

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.

When a court denies bail to a Class D or Class C felony defendant, the local government is responsible for incarcerating the defendant 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 average of \$31.34 per day.

Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 18 months or less to their minimum expiration date or parole eligibility date. The Department of Corrections pays a jail \$31.34 per day to house a D and C felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

Data Source(s): <u>Kentucky Department of Corrections; LRC staff</u>

Preparer: Hank Marks **Reviewer:** MCY **Date:** 2/24/15