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

Part I: Measure Information

Bill Request #: 1219
Bill #: HB 542
Bill Subject/Title: An ACT relating to assult of a family member of an unmarried couple.
Sponsor: Rep. Joni Jenkins
Unit of Government:xCityxCountyxUrban-CountyxCharter CountyxConsolidated LocalxGovernment
Office(s) Impacted: law enforcement; prosecutorial; jails
Requirement: <u>x</u> Mandatory Optional
Effect on Powers & Duties: <u>x</u> Modifies Existing <u>x</u> Adds New Eliminates Existing

Part II: Purpose and Mechanics

HB 542 amends KRS 508.032 to allow sentence enhancement for violation of KRS 508.030, assault in the fourth degree, based on prior convictions under KRS 508.010, 508.020, or 508.030 within the previous five years.

Presently, "if a person commits a third or subsequent offense of assault in the fourth degree under KRS 508.030 within five years, and the relationship between the perpetrator and victim in each of the offenses meets the definition of family member or a member of an unmarried couple... then the person may be convicted of a Class D felony. "

HB 542 adds to KRS 508.032 "... 'or commits assault in the fourth degree under KRS 508.030 and has two (2) or more prior convictions within the previous five(5) years for violations of KRS 508.010, 508.020, or 508.030'... then that person may be convicted of a Class D felony."

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

The fiscal impact of HB 542 on law enforcement, prosecutorial offices, and jails would be minimal.

The provisions of HB 542 will allow convictions for Class D felony assault in the fourth degree to be made more easily. This may raise some convictions of what might have been Class A misdemeanors to become convictions as Class D felonies. Thus, there may be some small increase in Class D felony convictions and incarcerations.

When a court denies bail to a Class D 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. However, upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a D 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):	Kentucky Department of Corrections; LRC staff	

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