

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

Part I: Measure Information

Bill Request #: 259

Bill #: HB 68

Bill Subject/Title: An ACT relating to reckless driving

Sponsor: Rep. Kelly Flood

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

Office(s) Impacted: Law enforcement and local jails

Requirement: Mandatory Optional

Effect on

Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Purpose and Mechanics

HB 68 modifies KRS 189.990 by making the penalty for violating KRS 189.290 (duty to drive a vehicle carefully) a Class D felony when death or serious physical injury is caused.

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

The fiscal impact of HB 68 on local government is expected to be minimal to nil.

Under current law, individuals whose reckless driving causes death or serious physical injury to another can be charged with any number of offenses, depending on the nature of the reckless driving and the severity of the injuries caused. These charges include assault I (Class B felony), assault II (Class C felony), assault III (Class D felony), manslaughter I (Class B felony), manslaughter II (Class C felony), reckless homicide (Class D felony), or murder (Capital offense).

The provisions of HB 68 would provide another option under which to charge the individual with a Class D felony for reckless driving. Given that it is likely the individual

would be charged under existing statutes, if not the proposed legislation, it is unlikely that the proposal would add a good deal of new costs (or new defendants) to the jail system. Thus, the fiscal impact would be minimal to nil.

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 \$31.24 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. The Department of Corrections pays a jail \$31.24 per day. 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): Office of the Attorney General; Administrative Office of the Courts; LRC staff

Preparer: Christopher T. Hall **Reviewer:** MCY **Date:** 1/22/15