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

### **Part I: Measure Information**

Bill Request #: 284
Bill #: SB 30
Bill Subject/Title: An ACT relating to strangulation.
Sponsor: Senator Morgan McGarvey
Unit of Government:xCityxCountyxUrban-CountyxCharter CountyxConsolidated LocalxGovernment
Office(s) Impacted: Local jails and law enforcement
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

SB 30 provides that "strangulation" is a Class A misdemeanor unless there is one or more enumerated aggravating circumstance, in which case it is a Class D felony. Kentucky has numerous statutes that criminalize violence, including: Assault in the first degree (KRS 508.010 Class B felony), Assault in the second degree (KRS 508.020 Class C felony), Assault in the third degree (KRS 508.025 Class D felony), and Assault in the fourth degree (KRS 508.030 Class A misdemeanor). KRS 508.032 states that if a person commits a third or subsequent offense of Assault in the fourth degree within five years, and the perpetrator and victim are family members or members of an unmarried couple, then the penalty is enhanced from a Class A misdemeanor to a Class D felony.

There are also domestic violence statutes. Someone who violates an emergency protective order or a domestic violence order may be held in contempt of court under KRS 403.760 or convicted of a Class A misdemeanor under KRS 403.763.

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

### The fiscal impact of SB 30 on local government is expected to be a minimal increase in Class A misdemeanor and Class D felony prosecutions and convictions, resulting in a minimal financial impact on local jails.

Creating a new Class A misdemeanor may result in a minimal negative impact to local correctional costs. The time an individual serves would be a cost the county would completely encumber. However, a person committing an offense under the new statute more than likely would have been charged with a similar offense under current statutes. According to the Kentucky Commonwealth's Attorney's Association, the provisions of SB 30 overlap with various current criminal statutes. Therefore, the impact of the legislation is unknown until prosecutors are faced with the choice of seeking convictions pursuant to current law or SB 30. The Association expects that passage of the bill will result in a minimal increase in Class A misdemeanor and Class D felony prosecutions and convictions.

A person convicted of a Class A misdemeanor may be incarcerated for up to a year in one of Kentucky's 77 Full Service Jails or five Life Safety Jails. While the expense of housing inmates varies by jail, each additional inmate will increase facility costs by an estimated average of \$33.26 per day including medical costs.

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. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$33.26 per day including medical costs. Upon sentencing, a Class D felon is housed in one of Kentucky's 77 Full Service Jails for the duration of his or her sentence. The Department of Corrections pays a jail \$33.26 per day to house a Class 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):	KY Commonwealth's Attorney's Association.; Dept. of Corrections; LRC				
	staff; Kentucky Revised statutes; KY Association of Chiefs of Police; KY				
	Jailors Association.; Ky Sheriff's Assosciation.				

<b>Preparer:</b>	Hank Marks	<b>Reviewer:</b>	MCY	Date:	12/30/14
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