

**Local Mandate Fiscal Impact Estimate
Kentucky Legislative Research Commission
2016 Regular Session**

Part I: Measure Information

Bill Request #: 1117

Bill #: HB 210 GA

Bill Subject/Title: Assault in the third degree.

Sponsor: Rep. Wilson Stone

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

Office(s) Impacted: Local law enforcement, local jails

Requirement: Mandatory Optional

Effect on

Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Purpose and Mechanics

KRS 508.025 establishes the crime of assault in the third degree when the actor recklessly, with a deadly weapon or dangerous instrument, or intentionally causes or attempts to cause physical injury to certain individuals who provide a public service. Some of the victims identified in the statute are a: law enforcement officer, social worker employed by the Department for Community Based Services, and paid or volunteer member of a fire department. Assault in the third degree is a Class D felony.

HB 210 amends the statute to include among assault in the third degree victims, “A public health officer or an employee of a local health department acting within the course and scope of that person’s employment.”

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

The fiscal impact of HB 210 on local governments will likely be a nil to minimal increase in costs for local law enforcement and a nil to minimal increase in costs or savings for local jails.

There are four degrees of assault. The penalties range from a Class A misdemeanor for assault in the fourth degree to a Class B felony for assault in the first degree. Having established the crime of third degree assault through KRS 508.025, the General Assembly has strongly increased the probability that when someone assaults, or attempts to assault, a specified individual who provides a public service, the assailant will be prosecuted for a Class D felony under third degree assault rather than a Class A misdemeanor under fourth degree assault.

HB 210 amends KRS 508.025 to add as a victim, “A public health officer or an employee of a local health department acting within the course and scope of that person’s employment.”

The Kentucky Health Department Association states that recently an employee of a local health department was assaulted. Under current law, the perpetrator was prosecuted for assault in the fourth degree rather than assault in the third degree. The Association notes that an assault against a health department employee is a rare occurrence.

The Kentucky Association of Chiefs of Police state that passage of HB 210 will result in a nil to minimal increase in costs for local law enforcement due to a possibly slight increase in police duties.

Passage of HB 210 means that on a rare occasion, an individual will be charged with a Class D felony rather than a Class A misdemeanor. A person charged with a Class D felony is denied bail more often than someone charged with a Class A misdemeanor. When someone is denied bail, a jail pays the cost of incarceration which amounts to \$31.34 per day. However, upon conviction of a Class A misdemeanant or a Class D felon, the state reimburses a jail for housing the latter but not the former. As a consequence, depending on the circumstances, passage of HB 210 may mean a slight increase in costs or savings for a local jail.

Data Source(s): Kentucky Health Department Association; Kentucky Association of Chiefs of Police; Department of Corrections

Preparer: Scott Varland **Reviewer:** JWN **Date:** 2/5/16