

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

Part I: Measure Information

Bill Request #: BR 184

Bill #: HB 25

Bill Subject/Title: AN ACT relating to operators of taxis, buses, or other passenger vehicles for hire.

Sponsor: Representative Joni Jenkins

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

Office(s) Impacted: County Jails

Requirement: X Mandatory ___ Optional

Effect on Powers & Duties: X Modifies Existing ___ Adds New ___ Eliminates Existing

Part II: Purpose and Mechanics

HB 25 would amend KRS 508.025, making a person guilty of assault in the third degree, if a person recklessly, with a deadly weapon or dangerous instrument, or intentionally causes or attempts to cause physical injury to “an operator or passenger of a taxi, bus, or other passenger vehicle for hire.” Assault in the third degree is a Class D felony.

Section 2 makes the crime of menacing (KRS 508.025) a Class A misdemeanor if the victim is an “operator or passenger of a taxi, bus, or other passenger vehicle for hire”. In all other circumstances, menacing is a Class B misdemeanor.

Section 3 amends disorderly conduct in the second degree (KRS 508.050), to include “intentionally or wantonly” throwing or projecting objects of substance “at or near the operator of a taxi, bus, or other passenger vehicle for hire”. Disorderly conduct in the 2nd is a Class B misdemeanor, unless, under HB 25, it involves a taxi, bus, operator or passenger, in which case it is a Class A misdemeanor.

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

HB 25 is expected to have minimal impact on local governments.

HB 25 would increase the penalty of menacing and disorderly conduct against “an operator or passenger of a taxi, bus, or other passenger vehicle for hire” from a Class B to Class A misdemeanor.

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. 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.

By increasing the length of time of incarceration, HB 25 would increase the costs to local jails, but the increase should be minimal. In 2015, there were 3014 charges for menacing and 9333 charges for disorderly conduct, 2nd degree. Although the total charges for menacing and disorderly conduct 2nd include charges against any person, the number of those charges committed against a taxicab driver or driver of other passenger vehicles are anticipated to be low, and should have minimal impact on local jails.

HB 25 would include any attempt to cause injury to a taxicab driver or driver of other passenger vehicle with a dangerous weapon as assault in the 3rd degree, Class D felony. 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. 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. Because local jails are reimbursed by the Department of Corrections per diem, for any Class D felony, this provision of HB 25 should have minimal impact on local jails and local law enforcement.

Data Source(s): Kentucky Jailers Association; Administrative Office of the Courts; Kentucky Association of Chiefs of Police; Kentucky Sheriffs' Association;

Preparer: Daniel Carter **Reviewer:** JWN **Date:** 2/11/16