



Section 2 of HB 250, as introduced, amends KRS 523.110 to expand the current crime of giving a false name or address to a police officer. The crime becomes giving a police officer false identifying information, including a false name, address, date of birth, Social Security number, state identification card number, or operator license number. The new crime, like the old, is a Class B misdemeanor.

**The HCS makes technical changes to Section 2 of the measure as introduced.**

**The GA version of HB 250 amends Section 2 of the HCS to delete the reference to, “Social Security number, state identification card number, or operator’s license number.”**

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

**The fiscal impact of the GA on local governments is expected to be a minimal increase in costs for local law enforcement and jails.**

The Kentucky Association of Chiefs of Police state that passage of the GA would mean a minimal increase in costs for police departments. Section 1 of the GA retains the current KRS 431.015 preference for a police officer issuing a citation rather than making an arrest for a misdemeanor committed in his or her presence, if there are reasonable grounds to believe that the person being cited will appear to answer the charge. However, Section 1 provides for a quite minimal expansion of the exception that grants a police officer the discretion to make an arrest rather than issue a citation when certain misdemeanors are committed in his or her presence. So there should be a few more arrests. When a police officer makes an arrest, the officer transports the individual to jail where he or she is booked. Sometimes a trial follows. A police officer waits in court to testify, more than once if necessary, and then testifies. As a result, Section 1 imposes a minimal increase in costs on police.

Section 1 of the GA also imposes minimal costs on jails. According to the Louisville Metro Corrections Director, in 2010 there were 45,161 bookings, and the average daily population of the jail was 1,930 inmates (137 over capacity). After enactment of KRS 431.015 in 2011, these numbers steadily declined until 2014 (the last year for which figures are available) when there were 36,740 bookings with an average daily population of 1,851 (58 over capacity). According to the Director, KRS 431.015 has been one factor in reducing bookings and the jail population. Passage of the GA amendment to KRS 431.015 would mean a quite minimal increase in bookings and the jail population across the Commonwealth. Both bookings and housing inmates in jails cost money. Housing an inmate costs \$68 per day in Louisville and \$31.92 per day, on average, in the rest of Kentucky.

Section 2 of the GA minimally expands the current crime of giving a false name or address to a police officer. The crime becomes giving a police officer false identifying information, including a false name, address, or date of birth. The new crime, like the

old, is a Class B misdemeanor that does not apply unless a police officer warns the person being questioned that giving a police officer false identifying information is a criminal offense. A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. 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 \$31.92 per day. Though the vast majority of misdemeanor defendants are granted bail, those not granted bail will cost local jails an average of \$31.92 per day.

**Data Source(s):** Kentucky Association of Chiefs of Police; WRDB News (January 21, 2016); Crouch v. Com (Ky. 2010) 323 S.W. 3<sup>rd</sup> 668; Department of Corrections; KRS

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