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

Part I: Measure Information

Bill Request #: 1321
Bill #: HB 295
Bill Subject/Title: Assault in the third degree.
Sponsor: Rep. Brian Linder
Unit of Government: X City X County X Urban-County Unified Local X Charter County X Consolidated Local X Government
Office(s) Impacted: Local law enforcement and local jails
Requirement: X Mandatory Optional
Effect on Powers & Duties: X 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 295 amends the statute to include among assault in the third degree victims: an individual, acting within the course and scope of his or her employment or contract, who is either employed by a public utility or an electric cooperative or under contract to a public utility or electric cooperative.

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

The fiscal impact of HB 295 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 295 amends KRS 508.025 to add as a victim: an individual, acting within the course and scope of his or her employment or contract, who is either employed by a public utility or an electric cooperative or under contract to a public utility or electric cooperative.

Passage of HB 295 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.

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.

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

 Preparer:
 Scott Varland
 Reviewer:
 JWN
 Date:
 2/22/16