

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

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