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

Part I: Measure Information

Bill Request #:1817
Bill #:HB 484
Bill Subject/Title: An ACT relating to strangulation.
Sponsor: Rep. Mike Denham
Unit of Government: x City x County x Urban-County Unified Local
<u>x</u> Charter County <u>x</u> Consolidated Local <u>x</u> Government
Office(s) Impacted: city and county law enforcement offices, jailers
Requirement: Mandatory Optional
Effect on Powers & Duties:x _ Modifies Existingx _ Adds New Eliminates Existing
Part II: Purpose and Mechanics
HB 484 defines the crime of "strangulation". The bill makes strangulation a misdemeanor. It provides that the crime is a Class D felony under the following aggravating circumstances:
The victim loses consciousness or bladder or bowel control; or
The victim is protected by a domestic violence order, or a pretrial release no contact order, or an interpersonal protective order; or
The perpetrator has a prior conviction in another jurisdiction for strangulation or similar offense; or
The perpetrator has a prior conviction for assault in the 1 ^{st,} 2 nd , or 3 rd degree or a similar assault offense in another jurisdiction and the victim is the same person as the victim in the current strangulation offense; or
The perpetrator has three or more prior convictions for assault under Kentucky statutes.

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

The fiscal impact of HB 484 is indeterminable and minimal. There will be some minor increase in arrests and incarcerations for the crimes of misdemeanor and Class D felony strangulation. The impact on jails and jailer offices may be as follows:

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 \$31.92 per day including medical costs.

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 \$31.92 per day including medical costs. 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 \$31.92 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.

Data Sourc	e(s): Kentucky	Kentucky Association of Chiefs of Police; Kentucky Sheriff's Association;				
	Kentucky.	Jailers Association		-		
Preparer:	H. Marks	Reviewer:	JWN	Date:	3/4/16	