

The Kentucky Association of Chiefs of Police state that passage of the SB 259 would mean a minimal increase in costs for police departments. Section 1 of the measure 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 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 minimal increase in the number of 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 SB 259 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 Section 1 amendment to KRS 431.015 would mean minimal increases 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 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, date of birth, Social Security number, state identification card number, or operator's license number. The new crime, like the old, is a Class B misdemeanor. The new crime is almost identical to identity theft (KRS 514.160), a Class D felony. The Kentucky Supreme Court ruled in *Crouch v. Commonwealth* that giving a false name and Social Security number to a police officer in order to avoid detection constitutes identity theft. (Attempting to gain a financial benefit is not necessarily an element of the crime.) Since Section 2 does not contain language that clarifies the relationship between the section and the identity theft statute, it is unclear what impact the section will have on crimes and punishments in Kentucky.

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

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