Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2017 Regular Session

Part I: Measure Information

Bill Request #: 1142
Bill #:HB 185
Bill Subject/Title: AN ACT relating to concealing a will
Sponsor: Representative Rick G. Nelson
Unit of Government: City x County x Urban-County X Unified Local Consolidated Local Government
Office(s) Impacted: Jails
Requirement: x Mandatory Optional
Effect on Powers & Duties:x Modifies Existing Adds New Eliminates Existing
Part II: Purpose and Mechanics

The purpose of HB 185 is to discourage hiding a will or other testamentary documents. HB 185 would create a new section of KRS Chapter 394 to establish that concealing, destroying or damaging a will, codicil or other testamentary instrument with the intent to defraud or to prevent probate of the instrument is a Class D felony.

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

The fiscal impact of HB 185 on local jails is indeterminable but likely to be minimal.

Local prosecutor's offices do not expect that criminalizing destruction or concealment of a will would generate many charges and prosecutions by their offices. For that reason there should be little impact on local jails. The bill would create a new Class D felony. 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 76 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 \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's

full service jails for the duration of his or her sentence. A Class D felony is punishable by one (1) to five (5) years in prison. If a local jail houses a Class D felon for one (1) year, the jail's cost for that person is $$31.34 \times 365 \text{ days} = $11,439.10$. 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 to the jail.

Data Sources: Local prosecutors; LRC Staff

Preparer: Mary Stephens **Reviewer:** KHC **Date:** 3/13/17