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

Part I: Measure Information

Bill Request #: 340			
Bill #: SB 51			
Bill Subject/Title: Protection of critical infrastructure			
Sponsor: Senator Westerfield			
Unit of Government:		X County X Consolidated Local	X Urban-County Unified Local X Government
Office(s) Impacted: Law Enforcement agencies			
Requirement: X	Mandatory Opti	ional	
Effect on Powers & Duties:	Modifies Existing	X Adds New El	iminates Existing
Part II: Purpose and Mechanics			

SB 51 creates a new misdemeanor, "Unlawful use of an unmanned aircraft system." Unlawful use consists of the surveillance of "critical infrastructure." "Critical infrastructure" is defined as railroad tunnels, refineries, power distribution centers, pipelines, rail yards, or facilities involved in the production, storage or distribution of drinking water. A first offense is a Class B misdemeanor, subsequent offenses are Class A misdemeanors. The BR also defines "Unmanned aircraft" and "Unmanned aircraft systems." SB 51 also provides exemptions for specified uses of unmanned aircraft.

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

The fiscal impact is indeterminable, but expected to be minimal.

The mandate to local governments involves the new Class B Misdemeanor, "Unlawful use of an unmanned aircraft system." The majority of law enforcement personnel are provided by local governments. Also, prior to conviction & upon conviction misdemeanants are confined to county jails. Ultimately, local governments will be enforcing this law and bearing the costs associated with the incarceration of these misdemeanants. 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 twelve months. Misdemeanants are housed in one of Kentucky's 76 full service jails or five life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.34 per day.

It is impossible to know how many people would be charged with this new misdemeanor and so it is impossible to determine the extent of costs to local governments. However, the number of cases in the Commonwealth of unmanned aircraft being used in this manner are low to nil. According to the Kentucky League of Cities, there had been zero cases of this nature in Northern Kentucky. Their concerns with unmanned aircraft involved the Federal Aviation Agency (FAA) and operations within the flight path of the Northern Kentucky Airport and Lunken Airport in Northern Kentucky. The Kentucky Sheriffs Association reported that they were unaware of any potential cases involving unmanned aircraft and the surveillance of critical infrastructure. It would appear that as an actual threat, that the number of incidents in the Commonwealth is low and hence the number of potential arrests and incarcerations for this new crime will be low. These circumstances should result in a low cost to local governments for enforcement or incarceration.

Data Source(s): Wayne Turner, Police Chief Belleview Kentucky, Jerry Wagner, Executive

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Preparer: JFPL Reviewer: JWN Date: 1/3/17