

**Local Government Mandate Statement  
Kentucky Legislative Research Commission  
2018 Regular Session**

**Part I: Measure Information**

**Bill Request #:** 327

**Bill #:** HB 102

**Document ID #:** 1127

**Bill Subject/Title:** AN ACT relating to arrests.

**Sponsor:** Rep. Stan Lee

Unit of Government:  City  County  Urban-County  
Unified Local  
 Charter County  Consolidated Local  Government

Office(s) Impacted: Local law enforcement and jails

Requirement:  Mandatory  Optional

Effect on  
Powers & Duties:  Modifies Existing  Adds New  Eliminates Existing

**Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government**

HB 102 amends KRS 431.015 to clarify the scenarios as to when a peace officer, at the officer's discretion, is allowed to issue a citation or make an arrest when a misdemeanor is committed in the peace officer's presence or based on probable cause if the misdemeanor is committed outside the peace officer's presence.

**The fiscal impact of HB 102 is indeterminate and minimal.** The bill effectively provides greater discretion to peace officers to make arrests, rather than issue citations. The bill's provisions could result in some extra training requirements for law enforcement. HB 102 may result in greater misdemeanor incarcerations. The costs of misdemeanor incarcerations are identified below.

**Class B and Class A misdemeanors:**

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 four 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.

**Part III: Differences to Local Government Mandate Statement from Prior Versions**

The Part II section above pertains to the bill as introduced and there are not any prior introduced versions of the bill to complete the Part III section.

**Data Source(s):** Kentucky Jailers Association; Kentucky Sheriffs Association; Kentucky Association of chiefs of Police

**Preparer:** H. Marks      **Reviewer:** KHC      **Date:** 1/5/18