

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

Part I: Measure Information

Bill Request #: 329

Bill #: HB 193 HCS

Document ID #: 4489

Bill Subject/Title: AN ACT relating to assault in the third degree.

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 193 HCS makes it a Class D felony to intentionally cause a person whom the actor knows or reasonably should know to be a peace officer to come into contact with saliva, vomit, mucus, blood, seminal fluid, urine, or feces without the consent of the peace officer.

HB 193 HCS provides that assault in the third degree is a Class D felony, “unless the assault is with saliva, vomit, mucus, blood, seminal fluid, urine, or feces from an adult who knows or reasonably should know that he or she has a communicable disease which could be transmitted to another person through the fluid or material “in which case it is a Class C felony”.

The fiscal impact on local law enforcement and jails is indeterminate and minimal. Provisions of the Act may result in some small increase in Class C and D felony arrests and incarcerations. Jail costs related to Class C and D incarcerations are described below.

Class D and Class C felons:

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 four 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. The Department of Corrections pays a jail \$31.34 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.

When a court denies bail to a Class C 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 four 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. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 24 months or less to their minimum expiration date or parole eligibility date. The Department of Corrections pays local jails \$31.34 per day to house these Class C felons. Since the per diem pays for the estimated average cost of housing a Class C felon, the per diem may be less than, equal to, or greater than the actual housing cost.

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

HB 193 HCS retains the original provisions of HB 193 and provides more precise language specifying the source of bodily fluids that could transmit disease. **There is no change to the fiscal impact of HB 193.**

Data Source(s): Kentucky Sheriffs' Association; Kentucky Association of Chiefs of Police; Kentucky Jailers Association; and Kentucky Department of Corrections

Preparer: H. Marks **Reviewer:** KHC **Date:** 2/15/18