

or epidemiological evidence demonstrates that the specific type of contact caused by the actor is likely to cause transmission of the disease or condition, in which case it is a Class A misdemeanor.

The fiscal impact on local law enforcement and jails is indeterminate and minimal. HB 193 GA will potentially result in greater costs to local jails for Class A and B misdemeanors. Provisions of the Act may result in some small increase in Class A and B Misdemeanor and Class D felony arrests and incarcerations. Jail costs related to felony and misdemeanor incarcerations are described 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.

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 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.

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

HB 193 GA provides more precise language specifying "serious communicable diseases."

HB 193 HCS is amended in HB 193 GA, by adoption of HFA 2, to change the penalty from a Class D felony to a Class B misdemeanor, unless the fluids could knowingly transmit certain communicable diseases, in which case it is a Class D felony, instead of a Class C felony.

HB 193 HCS is amended in HB GA, by adoption of HFA 3, to change the penalty from a Class D felony to a Class B misdemeanor, unless the fluids could transmit a "serious communicable disease", in which case it is a Class A misdemeanor, instead of a Class C felony.

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

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