



(KRS 532.031) does not contain a penalty provision for hate crimes but it does permit the judge to limit sentencing options and the parole board to delay or deny parole.

**Due to the lack of sentencing data, the estimated fiscal impact on local governments is indeterminable or expected to be minimal.**

Since there is no penalty related to hate crimes other than that associated with the underlying charge and conviction, unless the judge refuses probation or the parole board denies or delays parole, the cost to incarcerate the offender would be the same as that imposed on the defendant without the hate crime identifier. If probation is denied or parole is delayed or denied, the cost of incarceration would increase by the per diem amount listed below for as long as the incarceration continues.

Currently, a person convicted of a misdemeanor under KRS 532.031 with a hate crime designation would generally be able to buy or possess a firearm. HB 209 would identify misdemeanant offenders under KRS 532.031 as hate crime offenders prohibiting them from possessing firearms. Subsequently, if any of these offenders are found to be in possession of a firearm, they will be guilty of a Class D felony.

KSP provide regular updates to the FBI's National Instant Criminal Background Check System including specific information on convictions that would preclude a person from being able to purchase a firearm. All felony convictions are reported. By making certain hate crime misdemeanors a reportable item in the FBI database, HB 209 would increase the data entry requirements of KSP, which would add minimal impact to their personnel costs.

**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:**

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 Class

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**

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 State Police, Department of Corrections, Administrative Office of Courts, Louisville Metro Police Department

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