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

## **Part I: Measure Information**

Bill Request #: 1186						
Bill #: HB 226						
<b>Document ID #:</b> 2578						
Bill Subject/Title:      AN ACT relating to arrests.						
Sponsor: Rep. Stan Lee						
Unit of Government: x City x County   x Urban-County Unified Local						
<u>x</u> Charter County <u>x</u> Consolidated Local <u>x</u> Government						
Office(s) Impacted: Local law enforcement and jails						
Requirement: <u>x</u> Mandatory Optional						
Effect on Powers & Duties: <u>x</u> Modifies Existing <u>x</u> Adds New Eliminates Existing						

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

HB 226 amends KRS 431.015 to expand the list of KRS sections to now include a violation of KRS 512.030, 512.040, and 514.030 as to when a peace officer is allowed to arrest a person for a misdemeanor violation of when committed in the officer's presence. The bill also amends KRS 431.015 to allow a peace officer to issue a citation when the officer has probable cause to believe that a misdemeanor was committed outside of his or her presence.

**The fiscal impact of HB 226 is indeterminate and minimal.** The bill expands the situations as to when a peace officer may make an arrest and provides more authority for a peace officer to issue a citation when the misdemeanor is committed outside of the peace officers' presence. The bill's provisions could result in some extra training requirements for law enforcement.

HB 226 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 Department of Corrections;				
	Kentucky Sheriffs Association; Kentucky Association of Chiefs of Police				

Preparer:	H. Marks	<b>Reviewer:</b>	KHC	Date:	1/24/18
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