

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

Part I: Measure Information

Bill Request #: 1219

Bill #: HB 324 SCS 1

Document ID #: 7711

Bill Subject/Title: AN ACT relating to trespass.

Sponsor: Resrepresentative D. St. Onge

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

Office(s) Impacted: Jails, Department of Corrections

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 324 SCS 1 creates a new section of KRS Chapter 511, Burglary and Related Offenses, to include the offense of trespassing upon key infrastructure assets. This measure defines key infrastructure assets as any electrical power system facility or node; natural gas and petroleum facilities including those used for production, processing, and storage; rubber or hazardous chemical manufacturing facilities; railroad yards and tunnels; water supply systems; facility used for military weapons systems or components or parts to meet military requirements of the United States; or a wireless communications facility and any of its assets.

As provided in HB 324 SCS 1, a person commits the offense of trespass upon key infrastructure assets if he or she knowingly enters or remains unlawfully in or upon real property where the key infrastructure is located. A person also commits the offense of trespass if he or she knowingly uses, or retains or authorizes a person to use, an unmanned aircraft system to fly above real property on which key infrastructure assets are located with the intent to cause harm or damage to or conduct surveillance of the key

infrastructure asset without the prior consent of the owner, tenant or lessee of the real property.

Trespass upon key infrastructure assets is a Class B misdemeanor for the first offense and a Class A misdemeanor for a second or subsequent offense.

The fiscal impact of HB 324 SCS 1 on local governments is indeterminable but expected to be minimal at this time due to the unpredictable number of offenders and that most misdemeanants are generally not imprisoned.

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 fiscal impact of HB 324 SCS 1 is not changed from HB 324 GA.

The SCS 1 to HB 324 GA refines language related to unmanned aircraft systems and surveillance activities. It also removes the requirement that prior consent must be written.

The fiscal impact of HB 324 GA remains the same as the fiscal impact to HB 324 HCS 1. The House adopted the HCS and did not adopt any additional amendments.

HB 324 HCS 1 added wireless communications facilities and any related assets to the definition of "Key Infrastructure assets." There is no change to the fiscal impact of HB 324.

Data Source(s): LRC Staff, Kentucky Department of Corrections

Preparer: Mark Offerman **Reviewer:** KHC **Date:** 3/23/18