Local Government Mandate Statement Kentucky Legislative Research Commission 2018 Regular Session

Part I: Measure Information

Bill Request #: 1471
Bill #: _ HB 356 GA
Document ID #: 4152
Bill Subject/Title: AN ACT relating to sex offender registrants.
Sponsor: Rep. Jason Petrie
Unit of Government: x City x County x Urban-County Unified Local x Charter County x Consolidated Local x Government
Office(s) Impacted: local law enforcement and jails
Requirement: x Mandatory Optional
Effect on Powers & Duties:x _ Modifies Existingx _ Adds New Eliminates Existing

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

HB 356 amends KRS 17.545 to prohibit a sex offender registrant who is 18 years of age or older and has committed a criminal offense against a victim who is a minor from having the same residence as a minor. The Act provides an exception to this restriction if the minor is the registrant's spouse, parent, grandparent, stepparent, sibling, stepsibling, or court-appointed guardian of the minor, unless he or she was a victim of the registrant. A first violation is a Class A misdemeanor and subsequent violations are Class D felonies.

The fiscal impact of HB 356 is indeterminate and minimal. There will be some increase in misdemeanant and felony incarcerations as a consequence of creation of a new crime. The costs of incarceration for misdemeanor and felony incarcerations is described below.

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.

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

The GA version to this bill does not have any changes from the bill as introduced. There were no committee substitutes or floor amendments adopted.

Data Source(s): Kentucky Jailers Association; Kentucky Sheriffs Association; Kentucky

Association of Chiefs of Police

Preparer: H. Marks Reviewer: KHC Date: 3/20/18