

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

Part I: Measure Information

Bill Request #: 1137 R2

Bill #: HB 455

Document ID #: 5355

Bill Subject/Title: AN ACT to prohibit abortion if the unborn has or may have Down syndrome and declaring an emergency.

Sponsor: Representative Melinda Prunty

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

Office(s) Impacted: jails and local law enforcement

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 455 Section 1 would create a new section of KRS 311.710 to 311.820 to prohibit a person intentionally performing or inducing an abortion if the person knows the pregnant woman is seeking the abortion, in whole or in part, because the unborn child has Down syndrome.

Section 3 of the bill would amend KRS 311.990 to establish that violation of the prohibition by anyone other than the pregnant woman would be a Class D felony.

HB 455 would result in a minimum number of additional Class D felony arrests and incarcerations, and so would have a minimum negative fiscal impact on local jails and law enforcement. 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. The Department of

Corrections pays local jails \$31.34 per day to house these Class D felons. 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

Part II pertains to the bill as introduced and there are no prior introduced versions of the bill.

Data Source(s): LRC staff; Department of Corrections

Preparer: Mary Stephens **Reviewer:** KHC **Date:** 2/23/18