Local Government Mandate Statement Kentucky Legislative Research Commission 2018 Regular Session

Part I: Measure Information

Bill Request #: 287						
Bill #: SB 242						
Document ID #: <u>6107</u>						
Bill Subject/Title: AN ACT relaintg to criminal fleeing in the first degree.						
Sponsor: Senator Morgan M. McGarvey						
Unit of Government: X City X County Multiple Multiple Multiple Multiple Multiple Unified Local Multiple Multiple Multiple Multiple						
X Charter County X Consolidated Local X Government						
Office(s) Impacted: Law Enforcement, Jails						
Requirement: <u>X</u> Mandatory Optional						
Effect on Powers & Duties: Modifies ExistingX_ Adds New Eliminates Existing						

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

Currently, fleeing or evading police while operating a motor vehicle or as a pedestrian is a Class D felony. SB 242 would increase the penalty to a Class C felony when the person flees or evades the police while operating a motor vehicle through an active school zone, going in excess of 30 MPH in a residential area, or in a way that results in a collision with another vehicle.

When a court denies bail to a Class C or 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.

By reclassifying these individuals as Class C felons, they are ineligible for placement in local jails until they are classified at the lowest custody level with 24 months or less to their minimum expiration date or parole eligibility date. Given that, the local jail will lose some of the reimbursement from DOC since they will not be housing this prisoners for as long. Since the per diem pays for the estimated average cost of housing Class D and C felons, 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. No prior versions of the bill have been introduced necessitating Part III to be completed at this time.

Data Source	e(s): <u>LRC Staff, DOC</u>				
Preparer:	Wendell F. Butler	Reviewer:	КНС	Date:	3/2/18