Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 199						
Bill #: HB 102						
Document ID #:						
Bill Subject/Title: AN ACT relating to sex offenses against minors and declaring an emergency.						
Sponsor: Representative Lynn Bechler						
Unit of Government: x City x County x Urban-County						
Office(s) Impacted: local law enforcement and jails						
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

The fiscal impact of HB 102 is indeterminate and minimal. There will be an indeterminate increase in criminal litigations and incarcerations relating to childhood sex offenses as a consequence of the following. The bill amends KRS 500.050 to define "misdemeanor sex offense" and removes the statute of limitations provisions of KRS 500.050. HB 102 also amends KRS 413.249 to define "childhood sexual assault or abuse" and removes statute of limitations provisions. Costs associated with misdemeanor and felony incarcerations are described 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.

Class D felons:

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 Part II section above pertains to the bill as drafted and there are not any prior versions of the bill to complete the Part III section.

Data Source	e(s): Kentucky Jailers A	Kentucky Jailers Association; Kentucky Association of Chiefs of Police;				
	Kentucky Sheriffs	Kentucky Sheriffs Association; Kentucky Department of Corrections				
Preparer:	H. Marks	Reviewer:	KHC	Date:	1/3/19	