Local Government Mandate Statement Kentucky Legislative Research Commission **2019 Regular Session** 3 **Part I: Measure Information** Bill Request #: 365 Bill #: HB 105 **Document ID #:** 712 **Bill Subject/Title:** AN ACT relating to childhood sexual assault or abuse and declaring an emergency. **Sponsor:** Representative Lynn Bechler 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 Existing x Adds New Eliminates Existing

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

The fiscal impact of HB 105 is indeterminate and minimal. HB 105 creates a new a new section of KRS Chapter 15 to define "childhood sexual assault or abuse", and identifies criteria constituting felony and misdemeanor violations, and the judicial procedures for investigating and prosecuting such violations. The Act amends KRS 15.205 and KRS 29A.220 to provide for the convening of special grand juries and for the authority of the Supreme Court to require local law enforcement agencies to aid in special grand jury investigations relating to charges of childhood sexual assault or abuse.

In effect, HB 105 creates new crimes to investigate, prosecute, and jail. Therefore, there may be some indeterminate increase in felony and misdemeanor arrests, prosecutions, and incarcerations. The costs for felony and misdemeanor incarcerations are identified 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 and Class C 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.

When a court denies bail to a Class C 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. Class C felons 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. The Department of Corrections pays local jails \$31.34 per day to house these Class C felons. Since the per diem pays for the estimated average cost of housing a Class C 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(s):	Kentucky Association of Chiefs of Police; Kentucky Sheriffs Association;		
	Kentucky Jailers Association; Kentucky Department of Corrections		
Preparer: H. Ma	arks Reviewer: KHC	Date: 1/3/19	