



- Menacing
- Wanton Endangerment; first degree
- Criminal Abuse; first and second degree
- Chapter 509
  - Unlawful imprisonment; first degree
- Chapter 510
  - Rape; first, second, and third degree
  - Sodomy; first, second, third, and fourth degree
  - Sexual abuse; first degree
- Chapter 512
  - Criminal mischief; first degree
  - Criminal use of noxious substance
  - Criminal possession of noxious substance
- Chapter 513
  - Arson; first, second, and third degree
- Chapter 525
  - Riot; first degree
  - Unlawful assembly
  - Disorderly conduct; second degree
  - Harassment
  - Harassing Communications

Like KRS 532.031, the new section of Chapter 525 provides that a parole board may delay or deny parole to a defendant if the sentencing judge deemed the hate crime to be a primary factor.

**The new section of Chapter 525 adds the following provisions not currently found in KRS 532.031:**

Include KRS Chapter 507 within the list of the primary crimes that can qualify for the additional offense of a hate crime:

- Murder
- Manslaughter; first degree and second degree
- Reckless homicide

Provide that a hate crime is a Class B felony except if death or serious physical injury results, then it is a Class A felony.

HB 129 amends KRS 439.3401 to provide that a violent offender convicted of a hate crime must serve at least 85% of the sentence imposed.

**The fiscal impact on HB 129 local governments is indeterminable.** Any crimes listed above that are designated as a hate crime upon conviction or pleading guilty to, will have an impact on local jails and the state corrections systems due to the category of offense being increased to a Class A or Class B felony from either a misdemeanor offense or a Class C or D felony. Local jails will no longer be responsible for the housing costs of any misdemeanor offenses and local jails will no longer receive reimbursement from the state for any Class C or D felony offenses.

Hate crimes come into play at the point of sentencing, they do not have separate Uniform Offense Reporting (UOR) codes differentiating hate crimes from any other offenses. An original case record would contain information about whether any given conviction's sentence is enhanced due to being a hate crime, but unfortunately, this data is not entered into the Administrative Offices of the Court's case management system except perhaps as a memo, and therefore we cannot capture it in aggregate to report statistics.

When a court denies bail to a Class D or 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.

Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. 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 a jail \$31.34 per day to house a Class C or Class D felon. Since the per diem pays for the estimated average cost of housing a Class C or 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 pertains HB 129 as introduced. There are no prior versions of the bill.

**Data Source(s):** LRC Staff, Administrative Offices of the Court, Department of Corrections

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