

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2019 Regular Session**

Part I: Measure Information

Bill Request #: 895

Bill #: HB 130 HCS 1

Document ID #: 895

Bill Subject/Title: AN ACT relating to terroristic threatening.

Sponsor: Representative James A. Tipton

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

Office(s) Impacted: Law Enforcement, 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**

HB 130 HCS keeps the definition for a Class D felony in regards to second degree terroristic threatening regarding schools or school functions, students, employees, or any person lawfully on school property. It then adds language that makes terroristic threatening in the second degree a Class C felony if the person prepares for a threatening act including gathering weapons, ammunition, body armor, vehicle, or materials required to manufacture a weapon of mass destruction.

The impact of HB 130 HCS is indeterminable, but may be expected to be minimal.

We can determine that under the current law **as it pertains to schools** between the years of 2001 and 2014, that there were a total of 199 charges levied in 46 counties, the majority of those with 1 or less charges per year.

Additionally from a jail housing perspective, we can assume a number of charges currently filed at Class D felony will become Class C felony, and as a result local jails will not be housing the Class D felons for the duration of their sentences. This will reduce any

expenses the local jail realizes from housing these prisoners and the per diem reimbursement from the Department of Corrections for those expenses.

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

Part II refers to HB 130 HCS 1. HB 130 HCS 1 removes the language of HB 130 referring to "any public gathering, place of public accommodation, church, and place of worship".

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

Preparer: Wendell F. Butler **Reviewer:** KHC **Date:** 2/21/19