Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 1790						
Bill #: HB 353						
Document ID #: <u>3362</u>						
Bill Subject/Title: AN ACT relating to assault in the third degree.						
Sponsor: Representative Buddy Wheatley						
Unit of Government:xCityxCountyxUrban-CountyxCharter CountyxConsolidated LocalxGovernment						
Office(s) Impacted: local jails and law enforcement						
Requirement: <u>x</u> Mandatory Optional						
Effect on Powers & Duties: <u>x</u> Modifies Existing Adds New Eliminates Existing						

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

HB 353 amends KRS 508.025 to make it a **Class B misdemeanor - Assault in the Third Degree** to cause a paid or volunteer member of an organized or volunteer fire department to come into contact with saliva, vomit, mucus, blood, seminal fluid, urine, or feces without the consent of the paid or volunteer member of an organized fire department. If the assault is from an adult who knows that he or she has a serious communicable disease, and competent medical epidemiological evidence demonstrates that the specific type of contact caused by the actor is likely to cause transmission of the disease or condition, in which case it is a **Class A misdemeanor**.

The fiscal impact of HB 353 is indeterminate and minimal. There may be some increase in misdemeanor arrests and incarcerations. The costs associated with misdemeanor incarcerations in local jails is describe below.

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.

Part III: Differences to Local Government Mandate Statement from Prior Versions

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

Data Source(s):	Kentucky Jailers Association; Kentucky Sheriffs Association; Kentucky		
	Association of Chiefs of Police; Kentucky Firefighters Association;		
	Kentucky Department of Corrections		

Preparer:	H. Marks	Reviewer:	KHC	Date:	2/15/19