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

## **Part I: Measure Information**

Bill Request #: 344					
Bill #: HB 400					
<b>Document ID #:</b> <u>3758</u>					
Bill Subject/Title: AN ACT relating to strangulation.					
Sponsor: Representative Joni Jenkins					
Unit of Government: x City x County   Y Y Y Y Y   Y Y Y Y Y					
x Charter County x Consolidated Local x Government					
Office(s) Impacted: Local law enforcement and jails					
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 400 creates new sections of KRS Chapter 508 to create the new crimes of strangulation in the first degree as a Class C felony, and strangulation in the second degree as a Class D felony. The Act amends KRS 403.720 to include strangulation in the definition of "domestic violence and abuse" and amends KRS 456.010 to include strangulation in the definition of "dating violence and abuse". HB 400 amends various statutes to mandate training on screening and forensic evidence collection in strangulation cases.

**The fiscal impact of HB 400 is indeterminate and minimal.** The bill creates new felony crimes and thus may increase Class C and D felony arrests and incarcerations. The costs associated with Class D and C felony incarcerations are described below.

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 introduced and there are not any prior introduced versions of the bill to complete the Part III section.

Data Source(s):      Kentucky Department of Corrections; Kentucky Jailers Association				
Preparer: H. Ma	arks <b>Reviewer:</b>	КНС	Date:	2/19/19