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

**Part I: Measure Information** 

Bill Request #: 850						
Bill #: SB 153 GA						
Document ID #:						
Bill Subject/Title: AN ACT relating to grain.						
Sponsor: Senator Paul Hornback						
Unit of Government:	City	x County	<u>x</u> Urban-County Unified Local			
	x Charter County	x Consolidated Loca				
Office(s) Impacted:	Local law enforcemen	t and jails; county clerks	1			
Requirement:x	Mandatory Opti	onal				
Effect on Powers & Duties: x	Modifies Existing _	Adds New	Eliminates Existing			

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

SB 153 GA is an omnibus legislation that repeals and replaces KRS Chapter 251 (Grain Warehouses) with new sections that establish the purpose of the provisions of the chapter relating to grain, grain dealing and warehousing. The provisions that affect local government are found in Sections 25 and 26.

Section 25 provides for fines, misdemeanor and felony charges for several violations of the provisions of this Act. Specifically any violation of the provisions of KRS Chapter 251 is a Class A misdemeanor with associated fines. Operating a grain warehouse without a license is a Class D felony with associated fines. Failing to pay moneys collected for assessment of grain is a Cass A misdemeanor with associated fines. Failure to comply with Section 11 of SB 153 (regarding pricing contracts) is punishable for 1 to 5 years of imprisonment with associated fines. Falsifying records relating to the provisions of this Act is a Class D felony with associated fines. Transferring or disbursing grain, property or assets in violation of the provisions of Chapter 151. Willfully interfering with a representative of the State Board of Agriculture (relating to the provisions of this Act) is a

Class C felony with associated fines. Any business entity violating the provision of Chapter 151 or failing to comply with orders of the State Board of Agriculture is subject to the same penalties as individuals.

Section 27 of the Act amends KRS 64.012 to delete the \$10 filing fee for a grain warehouseman's license.

The fiscal impact of SB 153 GA is minimal. There may be some increase in misdemeanor and felony incarcerations. County clerks will no longer collect a license fee for warehouseman licenses. The costs associated with misdemeanor and felony incarcerations is described below.

#### Class B and Class A misdemeanors:

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

SB 153 GA with Senate Floor ament 1 retains the original provisions of SB 153 to clarify claim values and amends KRS 251.640 to clarify terms in which the board shall reinstate the assessment. It amends KRS 251.650 to establish reporting requirements of the board. SB 153 GA makes no changes to the penalties provided for in SB 153, or the deletion of the \$10 clerk filing fee. **The fiscal impact remains the same as for SB 153.** 

<b>Data Source(s):</b>	Kentucky Department of Corrections; Kentucky Jailers Association				
<b>Preparer:</b> H. N	Aarks <b>Reviewer:</b>	KHC	Date:	2/22/19	