

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

Part I: Measure Information

Bill Request #: 1435

Bill #: SB 157 SCS 1

Document ID #: 4974

Bill Subject/Title: AN ACT related to drones.

Sponsor: Senator Whitney Westerfield

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

Office(s) Impacted: 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

This measure adds to the element of trespass upon key infrastructure assets; the grounds or property of correctional institutions used for the detention of persons charged with or convicted of crimes (KRS 511.100).

Trespass upon key infrastructure assets is a Class B misdemeanor for the first offense and a Class A misdemeanor for a second or subsequent offense.

SB 157 SCS 1 adds to the definition of dangerous contraband (KRS 520.010), drones, unmanned aircraft, or other remotely controlled vehicles. Promoting contraband in the first degree is a Class D felony. Promoting contraband in the second degree is a Class A misdemeanor.

The fiscal impact of SB 157 SCS 1 on local governments is indeterminable but expected to be minimal, based upon the unpredictable number of offenders and that most misdemeanants are granted bail.

Class B and Class A misdemeanors:

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.

Class D 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.

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

Changes to SB 157 as introduced, by SB 157 SCS 1 does not change the original fiscal impact determination.

Data Source(s): LRC Staff; Kentucky Department of Corrections

Preparer: Mark Offerman **Reviewer:** KHC **Date:** 2/25/19