Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 1778
Bill #: SB 237
Document ID #: 3587
Bill Subject/Title: AN ACT related to Indecent Exposure.
Sponsor: Senator Brandon Smith
Unit of Government: X City X County X Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Local Jails
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing X Adds New Eliminates Existing

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

SB 237 creates a new crime of aggravated indecent exposure by adding a new section to KRS Chapter 510. It also amends KRS 194A.380 to conform.

Aggravated indecent exposure occurs when a person intentionally exposes his or her genitals, for sexual gratification, to a person under the age of 18. Aggravated indecent exposure is a Class A misdemeanor for the first offense and a Class D felony for the second or subsequent offenses.

The fiscal impact to local jails is indeterminable.

Class A misdemeanor:

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 felon:

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

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

 Preparer:
 Mark Offerman
 Reviewer:
 KHC
 Date:
 2/18/19