Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 1159					
Bill #: SB 240					
Document ID #: <u>3901</u>					
Bill Subject/Title: AN ACT relating to the dissemination of personally identifying information.					
Sponsor: Senator Wil R. Schroder					
Unit of Government:xCityxCountyxUrban-CountyxCharter CountyxConsolidated LocalxGovernment					
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

SB 240 creates a new section of KRS Chapter 525 to create new felony crimes for disseminating personally identifying information on the Internet about a minor. Disseminating such information is a Class D felony. If such dissemination results in injury to the minor, or monetary loss to the minor or the minor's family or fellow household members it is a Class C felony. If such disclosure results in death it is a Class B felony.

The fiscal impact of SB 240 is indeterminate and minimal. The Act creates new crimes and, for local jails, may result in increased Class D and C felony 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 Corre	ctions; Kentucky Jailers	s Associati	ion
Preparer: H. Ma	arks Reviewer:	КНС	Date:	2/19/19