Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 1159
Bill #: SB 240 SCS
Document ID #: 5857
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 SCS creates a new section of KRS Chapter 525 to create new misdemeanor and felony crimes for disseminating personally identifying information on the Internet about a minor. Disseminating such information is a Class A misdemeanor. If such dissemination results in injury to the minor it is a Class C felony. If such disclosure results in death it is a Class B felony.

If disclosure results in a monetary loss of \$500 or more to the minor, the minor's immediate family, or the minor's fellow household members, is \$500 or more but less than \$10,000, it is a Class D felony. If the loss is \$10,000 or more but less than \$1,000,000 it is a Class C felony, and if the loss is \$1,000,000 or more, it is a Class B felony.

The fiscal impact of SB 240 SCS is indeterminate and minimal. The Act creates new crimes and, for local jails, may result in increased Class A misdemeanor, Class D and C

felony incarcerations. The costs associated with Class A misdemeanor, Class D, and C felony incarcerations are described below.

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

Although SB 240 SCS makes several changes to the criminal penalty provisions of SB 240, the fiscal impact of SB 240 SCS on local law enforcement and jails will be similar to SB 240 as introduced, indeterminate and minimal.

SB 240 SCS retains the original provisions of SB 240 but makes it a Class A misdemeanor (rather than a class D felony) to disseminate information about a minor, The Committee Substitute removes family and household members of a minor from criminal provisions, and sets monetary loss threshold levels and criminal penalties (described in Part II above).

SB 240 SCS adds a new subsection (5) creating civil cause of action and limiting the liability of service providers.

Data Source(s): Kentucky Department of Corrections; Kentucky Jailers Association

Preparer:H. MarksReviewer:KHCDate:3/7/19