Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 105						
Bill #: SB 70 SCS						
Document ID #: 2812						
Bill Subject/Title: AN ACT relating to strangulation.						
Sponsor: Senator Alice Forgy Kerr						
Unit of Government: x City x County Multiple of Government: x City x Urban-County						
x Charter County x Consolidated Local x Government						
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

The fiscal impact of SB 70 SCS is minimal. SB 70 SCS creates a new section of KRS Chapter 508 to define "strangulation" and to make strangulation a Class D felony (unless the conduct is covered under another provision of law providing a greater penalty). The Act further adds "strangulation" to the definitions of "domestic violence and abuse" and "dating violence and abuse". SB 70 SCS creates a new Class D felony. The costs associated with Class D felony incarceration in local jails is 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 Class 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

SB 70 SCS retains the original provisions of SB 70 but changes the word ""knowingly" to "wantonly" in Subsection (1) of Section 1 of the bill. SB 70 SCS expands the definition of strangulation from the version as introduced. **The fiscal impact of SB 70 SCS remains identical to that of SB 70**.

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

Preparer:	H. Marks	Reviewer:	KHC	Date:	2/8/19