

“Written” as used in HB 342 is an all-encompassing term that would include electronically-generated records, as long as it is not “oral” records.

Elected officers and officials shall maintain a written inventory of all furniture, equipment, and fixed assets having an original purchase price of \$500 or more and a useful life of more than one year; all licensed vehicles and trailers; and any nonexpendable property having a value of \$500. The inventory must be reviewed and updated within ninety days of taking office, and no later than September 30 in any year the office is on the ballot, and no later than December 31 of each calendar the office is not on the ballot.

Copies of both the records system and the inventory must be maintained in the elected officer’s office. Additionally, if the office has a Web site, a link to these documents must be provided. Copies of both should also be filed with the clerk of the chief legislative body of the local government.

Every elected officer or person appointed to an elected office shall be responsible and accountable for the custody and safekeeping of all records required herein and all property transferred, assigned to, purchased, or otherwise acquired. Any officer or person appointed to an elected office that fails to comply with these requirements of HB 342 shall be guilty of official misconduct in the first degree. This is a Class A misdemeanor.

The fiscal impact of HB 342 on local governments is indeterminable, but can be expected to be minimal to significant in offices where the requirements of HB 342 are not currently being fulfilled. There will be personnel and administrative cost related to the actual inventorying of furniture, equipment and fixed assets. Likewise, with the establishment and implementation of a comprehensive system to identify and preserve records. It can be expected that most of the elected offices throughout the state currently have such systems in place and are maintained at some level; some better than others, some worse. The cost and expense involved would be dependent upon how much work would be necessary to bring the systems up to HB 342 standards.

A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky’s 77 full service jails or three 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.

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

Part II refers to HB 342 as introduced.

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

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