

HB 370 would, in general, have minimal fiscal impact on local governments. The bill would result in minimal additional administrative costs to local hospitals to adopt required forms/written material and to obtain required signatures. However, if a local hospital were charged, depending on the circumstances, the costs of hiring counsel to **defend a local hospital against a criminal charge of violating Section 1 (4) or (6) could have a moderate to significant fiscal impact on a local government that supports a hospital or hospital district with its taxing authority.**

It is not expected that there would occur many arrests or incarcerations for violations of Section 1 (4) or (6); however, violation of Section 1 (4) would be a Class D felony, and 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 77 full service jails or three 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 (DOC) 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 DOC would pay a local jail approximately \$22,878 ($\$31.34 \times 365 \times 2$) for one person jailed for 2 years for a Class D felony. 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.

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 for the term of their sentence. While the expense of housing inmates varies by jail, this estimated impact is based on costs of \$31.34 per day, which equals the per diem and medical expenses that the DOC pays jails to house felony offenders. While the majority of misdemeanor defendants are granted bail, those who do not will cost local jails an average of \$31.34 per day. One person jailed for the maximum term of 1 year for violation of Section 1(6) (Class A misdemeanor) would cost a local jail approximately \$11,439 ($\31.34×365 days).

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

Part II applies to HB 370 as introduced.

Data Source(s): Kentucky Hospital Association; Department of Corrections; LRC staff

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