

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2020 Regular Session**

Part I: Measure Information

Bill Request #: 451

Bill #: HB 424 GA

Document ID #: 7285

Bill Subject/Title: AN ACT relating to crimes and punishments.

Sponsor: Representative C. Ed Massey

Unit of Government: City County Urban-County Unified Local Charter County Consolidated Local Government

Office(s) Impacted: Local jails and law enforcement

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 424 GA amends KRS 194A.990, 205.8463, 238.995, 341.990, 434.650, 434.655, 434.690, 514.030, 514.040, 514.050, 514.060, 514.070, 514.080, 514.090, and 514.110 to increase the felony threshold for theft and fraud offenses to \$1,000. It creates a Class B misdemeanor level for theft and fraud offenses of less than \$500 and amends the Class A misdemeanor level to be \$500 or more but less than \$1,000. HB 424 GA enhances the penalty for three convictions of a Class A misdemeanor to a Class D felony if the convictions occur within a five year period.

The fiscal impact of HB 424 GA is indeterminate and, for individual counties, will range from minimal to moderate to potentially significant. There will be an increase in misdemeanor incarcerations in local jails. Class D felony incarcerations are subsidized by the state. Misdemeanor incarcerations are not. The costs of misdemeanor and Class D felony incarcerations are described below.

Class B and Class A misdemeanors:

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. 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.

Class D 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 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 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.

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

The fiscal impact of HB 424 is the same as that of HB 424. HB 424 GA was passed with Floor Amendment 4 which deleted all text after line 2 and replaced it with alternative text **that does not alter the fiscal impact of HB 424.**

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

Preparer: H. Marks **Reviewer:** KHC **Date:** 3/17/20