Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: 451
Bill #: _ HB 424 SCS
Document ID #: 7578
Bill Subject/Title: AN ACT relating to crimes and punishments.
Sponsor: Representative C. Ed Massey
Unit of Government: x City x County x Urban-County Unified Local
<u>x</u> Charter County <u>x</u> Consolidated Local <u>x</u> Government
Office(s) Impacted: Local jails and law enforcement
Requirement: <u>x</u> Mandatory Optional
Effect on Powers & Duties: x Modifies Existing Adds New Eliminates Existing

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

HB 424 SCS 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 and creates a Class B misdemeanor level for theft and fraud offenses.

HB 424 SCS amends the Class A misdemeanor level to be \$500 or more but less than \$1,000, while enhancing the penalty for three convictions of a Class A misdemeanor to a Class D felony if the convictions occur within a five year period. It provides that offenses that occur within 90 days are to be aggregated into one offense.

The fiscal impact of HB 424 SCS is indeterminate and, for individual counties, will range from minimal to moderate to potentially significant. There will be a decrease in felony incarcerations in local jails and increase in misdemeanor incarcerations. 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 SCS is essentially the same as that of HB 424 GA. Aggregating multiple offenses (3) occurring during a 90 day period may reduce multiple misdemeanor incarcerations and increase felony incarcerations.

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:** 3/19/20