



For fiscal year 2019, the Administrative Office of the Courts indicated that there were zero charges under KRS 511.100, for criminal mischief in the first degree for trespassing upon existing key infrastructure assets.

**The fiscal impact on local governments is indeterminable but expected to be minimal.**

**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 44 GA as amended by HFA 1, is unchanged from the original mandate for HB 44 as introduced.

HFA 1 removed steelmaking facilities using electric arc furnaces and facilities identified and regulated by the United States Department of Homeland Security Chemical Facility Anti-Terrorism Standards program from the list of key infrastructure assets identified in the original bill. It also removed language related to tampering and impeding the operations of key infrastructure assets. Lastly, it removed the requirement that a person be convicted of criminal mischief in the first degree in order for a civil action to be commenced.

**Data Source(s):** LRC Staff, Department of Corrections, Administrative Office of the Courts.

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