

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

Part I: Measure Information

Bill Request #: 304

Bill #: HB 623

Document ID #: 2580

Bill Subject/Title: AN ACT relating to school safety.

Sponsor: Representative Brandon Reed

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

Office(s) Impacted: Local Jails

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

This bill creates a new section to KRS Chapter 158. It requires that a person on school property must provide a government-issued photo identification if requested by a school employee, school resource officer, or law enforcement officer. Any person who refuses or is unable to comply may be required to leave the property.

Criminal trespass in the second degree is a Class B misdemeanor. This bill amends KRS 511.070 to enhance the penalty for criminal trespass in the second degree to a Class A misdemeanor, if the crime occurs on school property. KRS 511.080 directs that a person is guilty of criminal trespass in the third degree when knowingly enters or remains unlawfully in or upon premises and is considered a violation. This bill raises the penalty to a Class B misdemeanor if the trespass occurs on school property. KRS 511.090 is amended to conform.

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.

In calendar year 2019, there were approximately 2,950 convictions for criminal trespassing in the third degree, all violations with no jail time. Local jails may see an increase in the number of Class B misdemeanors as violations are upgraded to Class B misdemeanors. The number that would be increased to Class B misdemeanors is not known.

An undeterminable increase in the number of Class A misdemeanors is also expected as a result of the enhanced Class B misdemeanors.

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

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

The Part II section above pertains to the bill as introduced.

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

Preparer: Mark Offerman **Reviewer:** KHC **Date:** 1/29/20