

Section 2 of the bill would amend KRS 117.995 to establish that a local elected official who violates Section 1 would be guilty of a Class A misdemeanor.

HB 626 would have a minimal fiscal impact on local governments. While it is expected there would be few arrests or prosecutions under the bill, 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 is 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. Excluding any pre-conviction incarceration time, each local elected official convicted of violating Section 1 of the bill and sentenced to the maximum of 12 months incarceration, would cost the local jail an estimated \$11,439 (\$31.34 x 365 days).

Some local governments may elect to defend a local elected official accused of activity that would constitute a violation of HB 626. According to the Kentucky Association of Counties (KACO), under the KACO liability insurance policy, a local elected official indicted for a crime for activities in the course and scope of his/her duties would be provided a legal defense, up to the point of admission or conviction. One hundred thirteen (113) Kentucky counties have such a policy with KACO. As of date of this writing it is unknown whether cities carry liability insurance. A local government without such insurance coverage would likely not provide a defense to a local elected official accused of violation HB 626. Under either circumstance the local government would not incur the expense of a defense.

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

Part II addresses HB 626 as introduced.

Data Source(s): LRC Staff; Kentucky Association of Counties; Kentucky Department of Corrections

Preparer: Mary Stephens **Reviewer:** KHC **Date:** 3/17/20