Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #:2038			
Bill #: HB 626			
Document ID #: <u>6390</u>			
Bill Subject/Title: AN ACT relating to the conduct of local elected officials.			
Sponsor: Representative Randy Bridges			
Unit of Government:XCityXCountyXUrban-CountyXCharter CountyXConsolidated LocalXGovernment			
Office(s) Impacted: law enforcement; jails			
Requirement: <u>X</u> 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 626 **Section 1** would create a new section of KRS Chapter 117, Regulation of Elections, to prohibit any local elected official intentionally using or attempting to use his or her influence or official position or office:

(1) In a matter that involves a substantial conflict between personal interest and his or her duties in the public interest;

(2) To obtain financial gain for him or herself, a family member, or business associate;

(3) To secure or create privileges, exemptions, advantages, or treatment for him or herself or others in direct contravention of the public interest; or

(4) Use public funds, time or personnel for private gain or gain of another, unless authorized by law.

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 preconviction 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: K	KHCDate:	3/17/20
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