

(KEES) trust fund, and 10% to the Kentucky Thoroughbred development fund and the Kentucky Standardbred development fund, in proportional amounts.

Section 8 of the bill would create two new Class C felonies: (1) tampering with the outcome of a sporting event, and (2) wagering on a sporting event in which you are a participant. **Section 12** would prohibit a director or his or her immediate family from sitting on the board of a college or university that engages in collegiate sports contests on which a sports wager may be placed. Violation would constitute a Class D felony. In addition, **Section 28** of the bill would extend the prohibitions and sanctions applicable to lottery activities established in KRS 154A.990 to sports wagering activities.

SB 24 would have **minimal fiscal impact on local governments**. Since most cities and counties participate in the County Employees Retirement System (CERS) and not the KERS or KTRS, distributions from the sports wagering distribution trust fund to KERS and KTRS would have little impact on local government pension obligations. Distributions could have a positive fiscal impact on payment of the actuarially required contributions of local school districts to the KTRS.

While local jails are a significant expense for local governments, the two new Class C felonies, one new Class D felony, and expansion of a Class B misdemeanor created by SB 24 would result in **minimal or no fiscal impact** on local jails. It is not expected there would be a large number of prosecutions for violations of the bill.

The costs associated with a Class B misdemeanor, Class D felony, and Class C felony are below.

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. 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.

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.

When a court denies bail to a Class C 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. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 24 months or less to their minimum expiration date or parole eligibility date. The Department of Corrections pays local jails \$31.34 per day to house these Class C felons. Since the per diem pays for the estimated average cost of housing a Class C 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

Part II, above, pertains to the bill as introduced.

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

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