

D felonies and Class A misdemeanors associated with first and second degree rioting, respectfully.

Expanding the definitions of riot and unlawful assembly to include “unlawful conduct” in addition to violent conduct may increase the number of arrest for first and second degree rioting. “Unlawful” is defined in Kentucky’s Penal Code as contrary to law.

However, the deletion of “substantially obstruct law enforcement or other government function” from the definition of riot might decrease the number of arrest.

Likewise, the number of arrests for inciting a riot and unlawful assembly might be similarly affected due to the inclusion of *unlawful conduct*, and the deletion of “substantially obstruct law enforcement or other government function” from the definition of riot.

The Kentucky Association of Chiefs of Police (KACP), the Fraternal Order of Police, and the Kentucky Sheriff’s Association were contacted for input. The Kentucky Association of Chief of police responded agreeing with the above assessments of the proposal and expressed concern that the deletion of “substantially obstruct law enforcement or other government function” has the potential to make law enforcement officers less safe in violent situations such as riots.

Class A misdemeanors:

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 an average cost to incarcerate of \$37.35 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average cost to incarcerate of \$37.35 per day.

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 average cost to incarcerate of \$37.35, which includes the \$31.34 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 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

Part II refers to the bill as introduced.

Data Source(s): LRC Staff; KY Department of Corrections; Kentucky Association of Chiefs of Police; Fraternal Order of Police, and Kentucky Sheriff's Association

Preparer: Wendell F. Butler **Reviewer:** KHC **Date:** 1/29/21