Local Government Mandate Statement Kentucky Legislative Research Commission 2021 Regular Session

Part I: Measure Information

| Bill Request #: 110 |
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| Bill #: HB 248 |
| Document ID #: |
| Bill Subject/Title: AN ACT relating to harassment. |
| Sponsor: Representative Josie Raymond |
| Unit of Government: X City X County X Urban-County Unified Local |
| X Charter County X Consolidated Local X Government |
| Office(s) Impacted: insurance expenses |
| Requirement: X Mandatory Optional |
| Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing |

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 248 **Section 1** would amend Kentucky's Civil Rights Act at KRS 344.450 to provide that a victim of a civil rights violation may recover punitive damages in addition to actual damages resulting from the violation. **Section 2** of the bill would prohibit a person causing death or physical injury to another, damage to property of another, or summoning a peace officer on another without reason to suspect a crime or a threat of imminent harm to a person or property because of a belief or perception of the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of another.

KRS 519.040 currently provides that knowingly falsely reporting an incident or knowingly providing false information to law enforcement is a Class A misdemeanor. HB 248 **Section** 4 would expand the prohibition to include knowingly falsely reporting an incident or knowingly providing false information to a "public safety answering point." The section also expands instances of ways to falsely report an incident to include contacting a law enforcement officer or public safety answering point with the intent to intimidate or harass

another with detention or investigation by law enforcement authorities, without reason to suspect a violation of the penal code, threat of imminent harm to person or property, or other circumstance which merits law enforcement response. **Section 3** would define "public safety answering point" to mean a facility with the responsibility to receive 911 calls and dispatch public safety services, or to relay 911 calls to public safety agencies.

There is a slight chance for an increase in convictions for the expansion of Section 4 (1)(e) due to contacting law enforcement without any reason to suspect a violation of the penal code, threat of imminent harm to person or property, or other circumstances which merits law enforcement response. The bill may have a very minimal fiscal impact on local jails or law enforcement with the expansion of the Class A misdemeanor provision.

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.

The Kentucky League of Cities (KLC) believes that portion of HB 248 providing for recovery of punitive damages by a victim of a civil rights violation has the **potential for significant negative fiscal impact on cities**. It is not known how often cities are sued for alleged civil rights violations, but KLC believes the number of such lawsuits would increase if recovery for punitive damages is a possibility. In that event, while cities' liability insurance would likely cover punitive damages, a city's liability insurance premium would likely increase, or their insurer may drop coverage altogether.

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

Part II relates to HB 248 as introduced. There is no prior version for comparison.

Data Source(s): Kentucky League of Cities; Kentucky Department of Corrections

Preparer: Mary Stephens **Reviewer:** KHC **Date:** 1/29/21