

criminal classification would range from a Class B misdemeanor through a Class A felony, depending on the intent of the disseminator and the level of physical or monetary injury to the victim.

HB 520 would have a **moderate fiscal impact on local governments**. Local governments would incur expense in employee time and effort to remove the prohibited information from their web sites and other publications or documents. Louisville-Jefferson County Property Valuation Administrator believes the cost could be substantial to PVA offices, and that her office would need to pay its information technology vendors to redact the information.

There would also be a cost to jails, the amount depending on the number of persons arrested, prosecuted, and incarcerated for violation of 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 will be based on \$37.35 per day, which includes the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. One person convicted of a misdemeanor violation of HB 520 and sentenced to one year, or 365 days, in jail, would cost the local jail at least \$11,439.10 per year (365 days x \$31.34/day = \$11,439.10).

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 \$37.35 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; a local jail would receive \$11,439.10/year from DOC for housing a person convicted of felony violation of HB 520. 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.

The bill also provides for civil liability and collection of actual and punitive damages for its violation. It is unknown how much a local government might be required to pay in the event it was found to have violated the provisions of HB 520.

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

Part II applies to HB 520 as introduced. There is no earlier version for comparison.

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

Preparer: Mary Stephens **Reviewer:** KHC **Date:** 2/25/21