Local Government Mandate Statement Kentucky Legislative Research Commission 2021 Regular Session

REVISED 1/29/21

Part I: Measure Information

Bill Request #: 220
Bill #: HB 81
Document ID #: <u>629</u>
Bill Subject/Title: AN ACT relating to sexual offenses by police officers.
Sponsor: Representative Rachel Roberts
Unit of Government:xCityxCountyxUrban-CountyxCharter CountyxConsolidated LocalxGovernment
A Constrained Local Office(s) Impacted: Local jails and law enforcement
Requirement: <u>x</u> Mandatory Optional
Effect on Powers & Duties: <u>x</u> Modifies Existing Adds New Eliminates Existing

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

The fiscal impact of HB 81 is indeterminate and should be minimal. HB 81 amends KRS 510.060 to include peace officers as persons guilty of rape in the third degree if they subject anyone in custody or arrest to sexual intercourse, which is a Class D felony. The bill also amends KRS 510.090 to include peace officers as guilty of sodomy in the third degree if they subject someone in custody or arrest to deviate sexual intercourse, which is a Class D felony. The bill amends KRS 510.120 to include peace officers as persons guilty of sexual abuse in the second degree if they subject anyone in custody or arrest to sexual contact, which is a Class A misdemeanor. The local jail costs associated with Class A Misdemeanor and Class D felony convictions are described below.

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.

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

The Part II section above pertains to the bill as drafted.

Data Source(s):Kentucky Sheriffs Association; Kentucky Association of Chiefs of Police;
Kentucky Jailers Association; Kentucky Department of Corrections

Preparer:H. MarksReviewer:KHCDate:1/5/21