

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2021 Regular Session**

Part I: Measure Information

Bill Request #: 948

Bill #: SB 52 GA

Document ID #: 5318

Bill Subject/Title: AN ACT relating to sexual offenses by peace officers.

Sponsor: Senator Denise Harper Angel

Unit of Government: City County Urban-County
Unified Local
 Charter County Consolidated Local Government

Office(s) Impacted: Local law enforcement and jails

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

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

SB 52 GA amends KRS 510.060, rape in the third degree, to include a peace officer who subjects a person in custody or under arrest or investigated for commission of a traffic offense or criminal offense to sexual intercourse. The bill amends KRS 510.090, sodomy in the third degree, to include a peace officer who subjects a person in custody or under arrest to deviate sexual intercourse, and amends KRS 510.120, sexual abuse in the second degree, to include a peace officer who subjects a person in custody or under arrest to sexual contact. The above prohibitions and provisions of the bill apply to peace officers serving in their official capacity.

The fiscal impact on individual county and city law enforcement and jails will be nil to minimal. In effect, SB 52 GA expands current criminal offenses that are Class D felonies and Class A Misdemeanor crimes. The costs associated with Class D Felony and Class A Misdemeanor incarcerations 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 fiscal impact of SB 52 GA is the same as for SB 52 SCS (with Senate Floor Amendment 1). SB 52 GA retains the original provisions of SB 52 SCS and includes Senate Floor Amendment 1, specifying that the prohibitions of SB 52 SCS apply while peace officers are serving in their official capacity.

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

Preparer: H. Marks **Reviewer:** KHC **Date:** 2/23/21