

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

REVISED 1/29/21

Part I: Measure Information

Bill Request #: 1225

Bill #: SB 95

Document ID #: 2621

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

Sponsor: Senator J. Adams

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

The fiscal impact of SB 95 on specific local jails and law enforcement will be nil to minimal. SB 95 amends KRS 510.060, rape in the third degree, **to include a peace officer** who subjects a person in custody or under arrest to sexual intercourse (a Class D Felony) and amends KRS 510.090, sodomy in the third degree (a Class D felony) **to include a peace officer** who subjects a person in custody or under arrest to deviate sexual intercourse. The Act also amends KRS 510.120, sexual abuse in the second degree (a Class A Misdemeanor) **to include a peace officer** who subjects a person in custody or under arrest to sexual contact.

Essentially, the bill includes (and clarifies that) peace officers are subject to the same punishments for committing (per statutes) sex offenses as are jailers and others working in detention and correction facilities and programs. The number of new convictions with the expansion of including peace officers is expected to be low and would have a nil to

minimal impact to local governments. The costs associated with Class A misdemeanors and Class D felony convictions are detailed 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 introduced

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:** 1/13/21