

The crime would occur if a person intentionally disseminates personally identifying information about a person under age 18, or over age 18 and a secondary school pupil in Kentucky, with the intent to intimidate, abuse, threaten, harass, or frighten the minor, resulting in the minor being in reasonable fear of physical injury.

Disseminating personally identifying information would constitute a Class A misdemeanor unless physical injury to the minor results, which would constitute a Class C felony. Dissemination resulting in monetary loss of \$500-10,000 would be a Class D felony; \$10,000 to \$1,000,000 loss would be a Class C felony and loss of \$1,000,000 or more would be a Class B felony. Dissemination resulting in death of a minor would be a Class B felony.

SB 96 would also establish a right for an injured party to recover actual and punitive damages in a civil action against a perpetrator, and joint and several liability against all persons found liable.

SB 96 would have a **minimal to moderate fiscal impact on local governments** 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 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.

When a court denies bail to a Class C 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. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 24 months or less to their minimum expiration date or parole eligibility date. The Department of Corrections pays local jails \$31.34 per day to house these Class C felons. The per diem may be less than, equal to, or greater than the actual housing cost.

SB 96 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 civilly violated the provisions of SB 96.

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

Part II applies to SB 96 as introduced. There is no earlier version for comparison.

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

Preparer: Mary Stephens **Reviewer:** KHC **Date:** 1/12/21