# Local Government Mandate Statement Kentucky Legislative Research Commission 2022 Regular Session

## **Part I: Measure Information**

Bill Request #: 22
Bill #: HB 16
<b>Document ID #:</b> 142
Bill Subject/Title: AN ACT relating to crimes and punishments.
Sponsor: Representative Kim Banta
Unit of Government:       X       City       X       County       X       Urban-County         Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Law Enforcement, Jails
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing

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

HB 16 deletes the crime of Sodomy in the Fourth Degree, which is defined as "engaging in deviate sexual intercourse with another person of the same sex." Sodomy in the Fourth Degree is currently a Class A misdemeanor.

#### The fiscal impact of HB 16 on a local government will be minuscule, if any.

The Administrative Offices of the Courts reviewed their files and determined only one charge of Sodomy – Fourth Degree has been filed between 1-1-17 to 12-5-21. This case was in Johnson County, 2017.

A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 74 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 \$35.43 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 \$35.43 per day.

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

Part II refers to HB 16 as introduced. There are no prior versions.

**Data Source(s):** <u>LRC Staff, DOC</u>

Preparer:Wendell F. Butler - msReviewer:KHCDate:1/11/22