

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

Part I: Measure Information

Bill Request #: 339

Bill #: HB 262 GA

Document ID #: 3845

Bill Subject/Title: AN ACT related to sex crimes.

Sponsor: Representative C. Ed Massey

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

Office(s) Impacted: Law Enforcement, Local 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

HB 262 GA clarifies that along with uncles, aunts, brothers and sisters, the individuals that can be charged with incest also includes parents, children, grandparents, grandchildren, great grandparents, great grandchildren, nephew, niece, and first cousins.

HB 262 GA expands the elements necessary to prove rape in the third degree and sodomy in the third degree, both Class D felonies, to require engaging in sexual intercourse knowing the victim’s ability to appraise the nature of, or control, his or her own conduct is substantially impaired.

HB 262 GA amends KRS 510.010 to include alcohol as a substance within the definition of being rendered “physically helpless” or unable to communicate an unwillingness to an act.

The fiscal impact of HB 262 GA on local governments is expected to be minimal. Current law already provides for these crimes, although without the impairment requirement.

For the years 2019, 2020, and 2021, there were 96, 54, and 36, respectively, charges resulting in convictions for incest-related crimes in the state as a whole. Additionally, for the years 2019, 2020, and 2021, there were 129, 65, and 96, respectively, charges resulting in convictions for rape and sodomy-related crimes in the state as a whole. *These numbers do not represent the number of cases since there may be multiple charges per case.*

There may be minimal cost in educating local law enforcement officers as to the change in law, but should be easily absorbed in current training.

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 74 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 \$35.43, 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

HB 262 GA keeps all the provisions of HB 262 HSC 1. Title Amendment changed the title to: AN ACT related to Sex Crimes.

Data Source(s): LRC Staff; KY Department of Corrections, Administrative Offices of the Court

Preparer: Wendell F. Butler (ms) **Reviewer:** KHC **Date:** 2/10/22