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

## **Part I: Measure Information**

Bill Request #: 61	
Bill #: HB 48 HCS 1	
<b>Document ID #:</b> 4218	
Bill Subject/Title: AN ACT relating to crimes and punishments.	
Sponsor: Representative Phillip Pratt	
	nified Local
X Charter County X Consolidated Local X Go	overnment
Office(s) Impacted: Local Government	
Requirement: X Mandatory Optional	
Effect on Powers & Duties: X Modifies Existing X Adds New Eliminates	Existing

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

The proposed legislation creates a new Class D penalty for falsely reporting an incident that results in an emergency response. It also creates a new section of KRS Chapter 411 to provide for a civil cause of action for damages arising from the false reporting.

Section 1 adds the definitions for "emergency response" and "first responder" to KRS 519.010. Section 2 enhances violations of KRS 519.040(1)(a) and (1)(e) to Class D felony violations.

A new section of KRS Chapter 411 is created to allow a person harmed under this proposed legislation to recover damages including, but not limited to, infliction of emotional distress, compensatory and punitive damages, court costs, and reasonable attorney's fees. It permits the action to be filed in the court of the county in which the alleged violation occurred or the plaintiff resides.

The fiscal impact of this legislation is expected to be minimal. The Administrative Office of the Courts indicated there were 209 misdemeanor convictions for this crime in FY 2021. It is not possible to estimate the number of felony convictions which could be incurred under KRS 519.040. It can be assumed that some of the current misdemeanor convictions could be prosecuted as a felony and may produce a number of additional felony offenders.

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.

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 felons. 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

Part II, above, pertains to the introduced bill as amended by HCS 1. The fiscal impact is not changed by HCS 1.

HCS 1 redefined the definition of "emergency response" and added the definition for "first responder." It removed the following enhancement penalty related to physical injury or death to any person as a result of falsely reporting an emergency: physical injury to any person is a Class C felony and if there was serious physical injury or death to any person, it is elevated to a Class B felony.

 Data Source(s):
 Administrative Office of the Courts, Kentucky Department of Corrections

 Preparer:
 MJO (wfb)
 Reviewer:
 KHC
 Date:
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