

It is expected that violations of HB 64 by a health care provider employed by a local government would be few. In fact, based on best information, there are no cities that employ a health care provider licensed pursuant to KRS 311 or 314. However, there are county or regional health facilities that employ such health care providers.

Each instance of a violation of HB 64 would increase local jail costs as described below.

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.

In the event of a successful lawsuit against a local government for the fraudulent assisted reproduction action of its employee(s), the local government would incur costs of litigation and would be liable for payment of a judgment for damages awarded to the victim. According to Kentucky League of Cities, most cities, especially smaller ones, retain a city attorney on contract and pay on an hourly basis. In FY 2020, the average hourly rate was \$107 (data on the hourly rate paid by counties for legal services is unavailable at this time). Because of many variables related to the difference in hourly rates, lack of complete data, complexity of lawsuits, final dispositions, and appeals, the costs of defending a lawsuit seeking damages for fraudulent assisted reproduction are unknown. A money judgment in favor of the victim against a local government found liable in a case of fraudulent assisted reproduction would likely be substantial, and would likely increase liability insurance premiums.

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

Part II applies to HB 64 as drafted. There is no earlier version for comparison.

Data Source(s): Kentucky League of Cities; Kentucky Association of Counties; Department of Corrections

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