Local Government Mandate Statement Kentucky Legislative Research Commission 2022 Regular Session

Part I: Measure Information

Bill Request #: 370
Bill #: SB 23 GA
Document ID #: 805
Bill Subject/Title: AN ACT relating to theft of mail matter.
Sponsor: Senator David Yates
Unit of Government: X City X County X Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Jails, Law Enforcement
Requirement: X Mandatory Optional
Effect on Powers & Duties: Modifies ExistingX Adds New Eliminates Existing

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

Under current law (KRS 514.140), a person convicted of theft of mail matter delivered by the United States Postal Service is classified as a Class D Felony. Theft of mail matter delivered by common carriers and delivery services may currently be classified as a misdemeanor or felony, dependent upon the substance and value of the stolen property under KRS 514.030, Theft by unlawful taking or disposition.

SB 23 amends KRS 514.140 to include common carriers and delivery services in protection against theft of mail matter, thus enhancing the crime from a misdemeanor to a Class D felony.

SB 23 would have a minimal fiscal impact on local jails. It is unlikely SB 23 would increase the number of persons convicted of theft of mail matter, though it could impact jail costs slightly. Under current law, the offense could be a Class B misdemeanor with up to 90 days of incarceration or a Class A misdemeanor increasing the potential jail time up to 12 months. The data currently available isn't granular enough to discern applicable

charges resulting in Class A or Class B misdemeanors, so it is possible in some cases for a reduction in the number of days the local government is responsible for incarceration, while other cases may lead to an increase in the number of days the local government is responsible for incarceration.

Creating a Class D felony as opposed to a misdemeanor would result in a 1-5 year term of incarceration in one of Kentucky's 74 full service jails or three life safety jails. 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. 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. 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

Part II, above, pertains to SB 23 GA version. The GA version is the same as the bill introduced. No amendments or substitutes were adopted when the bill passed its chamber of origin.

Data Source(s): Department of Corrections; Administrative Office of the Courts; LRC

<u>Staff</u>

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