Local Government Mandate Statement Kentucky Legislative Research Commission 2023 Regular Session

Part I: Measure Information

Bill Request #: 1013						
Bill #: HB 109						
Document ID #: <u>1687</u>						
Bill Subject/Title: AN ACT relating to theft of services.						
Sponsor: Representative Matt Lockett						
Unit of Government: X City X County Multiple Multiple Multiple Multiple Multiple Unified Local Multiple Multiple Multiple Multiple						
X Charter County X Consolidated Local X Government						
Office(s) Impacted: Law Enforcement, Local Jails						
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

HB 109 amends KRS 514.060 to expand the definition of theft of services to include a person holding the property of another under a rental agreement longer than the period agreed upon and thus, depriving the owner of its use for future rentals.

Theft of services is a Class B misdemeanor except:

- if the value of the service is \$500 or more and less than \$1,000, it is a Class A misdemeanor;
- if the value of the service is \$1,000 or more and less than \$10,000, it is a Class D felony;
- if the value of the service is \$10,000 or more, it is a Class C felony; or
- if the person has been convicted three or more times within a five-year period, it is a Class D felony.

If a person commits two or more separate offenses within 90 days, the offenses may be combined and treated as a single offense, with the aggregate value determining the appropriate charge.

The fiscal impact of HB 109 on local governments is not determinable. Whereas this is a new crime, statistical data is not available. This will impact local jails as follows:

Class B and Class A misdemeanors:

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. 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 \$40.11 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 \$40.11 per day.

Class D and Class C felons:

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 \$40.11, which includes the \$35.34 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 \$35.34 per day to house a Class D felon. The per diem may be less than, equal to, or greater than the actual housing cost.

When a court denies bail to a Class C 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 \$40.11, which includes the \$35.34 per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 24 months or less to their minimum expiration date or parole eligibility date. The Department of Corrections pays local jails \$35.34 per day to house these Class C 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 refers to HB 109 as introduced. There are no prior versions.

 Data Source(s):
 LRC Staff; Department of Corrections

Preparer:	WB (JB)	Reviewer:	KHC	Date:	1/12/23
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