Local Government Mandate Statement Kentucky Legislative Research Commission 2023 Regular Session

Part I: Measure Information

Bill Request #: 1743
Bill #: HB 521
Document ID #: 4461
Bill Subject/Title: AN ACT relating to assault in the third degree.
Sponsor: Representative William Lawrence
Unit of Government: X City X County X Urban-County Unified Local X Charter County X Consolidated Local X Government
Office(s) Impacted: Law Enforcement and 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 521 amends KRS 508.025 to add a category of people for which a person is guilty of assault in the third degree, a Class D felony, if they intentionally cause or attempt to cause physical injury with a deadly weapon or dangerous instrument to someone of that category. The bill adds employees, independent contractors, volunteers, affiliated physicians, or other medical professionals of a licensed hospital as a protected category if they are performing health care services within a hospital when the event occurs.

The fiscal impact of HB 521 on local jails and law enforcement is expected to be minimal. According to the Administrative Office of the Courts, there have been 2,449 convicted cases of assault in the third degree at the District and Circuit level between CY 2018 and CY 2022. However, the vast majority (93.1%) were assaults against either a police officer, probation officer, or an inmate assault on an employee of a correctional facility. For comparison, during the same time period there were 7 convictions of assault or attempted assault in the third degree against a social services worker, 97 against EMS, fire department, or rescue squad personnel, and 101 against a school employee or volunteer. It

is not possible to predict the number of crimes that would be committed under this legislation, but it is likely that new offenses pursuant to HB 521 would have similar levels as the number of offenses against social services workers, emergency personnel, and school personnel, which would probably not have a very significant fiscal impact on local jails and law enforcement.

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.

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

Part II refers to HB 521 as introduced. There are no prior versions.

Data Source(s): LRC Staff, Administrative Office of the Courts; Kentucky Department of

Corrections

Preparer: Ryan Brown (WB) **Reviewer:** KHC **Date:** 3/3/23