

Exception to this would be with advance written permission of the school principal, school board, local legislative body with jurisdiction over publicly owned or leased playground, or the day care director. The prohibition against registrant loitering shall not operate retroactively. The 1,000 feet shall be determined from nearest property line to nearest property line. KRS 17.990(3) defines loitering as used herein as a Class A misdemeanor.

SB 80 GA further amends KRS 508.025 to expand the crime of assault in the third degree to include assault of a healthcare provider, if the event occurs while the healthcare provider is providing medical care in an emergency room of a hospital. Assault in the third degree is a Class D felony unless the assault occurs during a declared emergency in which case it is a Class C felony.

The fiscal impact of SB 80 GA on local governments is minimal. The new crimes regarding loitering and assault on a healthcare worker will necessitate training for law enforcement, but this should be easily adapted into current training programs.

Class A misdemeanors:

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 most 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 SB 80 GA which keeps the major provisions of SB 80 as filed and as amended by SCS 1 and SFA 1. SFA 1 added language regarding mobile businesses. SB 80 GA does not change the previous fiscal impact.

SB 80 SCS 1 keeps the provisions of the SB 80 as introduced and makes the following additions:

- Expands the list of entities where loitering within 1,000 feet is not allowed to include publicly owned or leased swimming pools, or splash pads.
- Defines “loiter” to include remaining in or about the clearly defined grounds of a location without a legitimate reason for being there.

SB 80 SCS 1 does not change the fiscal impact from the bill as introduced.

Data Source(s): LRC Staff, Kentucky Department of Corrections

Preparer: WB (RB) **Reviewer:** KHC **Date:** 2/24/23