Local Government Mandate Statement Kentucky Legislative Research Commission 2024 Regular Session

Part I: Measure Information

Bill Request #: 485							
Bill #: HB 132							
Document ID #: 2098							
Bill Title: AN ACT relating to the sale of alcohol to minors.							
Sponsor: Representative Shawn McPherson							
Unit of Government: X City X County X Urban-County Unified Local X Cluber County X County X County							
X Charter County X Consolidated Local X Government							
Office(s) Impacted: Law Enforcement, Jails							
Requirement: X Mandatory Optional							
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing							

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

Section 1 amends KRS 244.085 to establish criminal penalties for people who assist any person under 21 years of age in purchasing or being delivered or served any alcoholic beverages. Doing so is a violation unless, as a result of the alcoholic beverages being consumed, another person suffers physical injury then it is a Class A misdemeanor. It is a Class D felony when another person suffers serious physical injury or death as a result of the alcoholic beverages consumed. Any person convicted for these offenses of a Class A misdemeanor or higher shall not be eligible for any form of early release until he or she has served at least 50% of the sentence imposed.

Section 2 amends KRS 244.990 to establish similar enhanced penalties outlined in Section 1 for retail licensees, or the licensee's agent, servant, or employee who sell, give away, or deliver any alcoholic beverages to a minor.

The fiscal impact of HB 132 is likely to be minimal. From 2019 to 2023, there were 31 convicted cases of individuals charged with assisting minors in purchasing alcohol, and 6

convicted cases of individuals charged with either serving or selling alcohol to minors. It is not known in how many of these cases another person suffered serious injury or death as a result of the alcoholic beverages consumed. However, the costs associated with any increased penalties and subsequent longer sentences served in local jails as a result of HB 132 is likely to be minimal because there are likely to be few cases in which the relevant statutes apply.

For inmates housed in local jails as a result of HB 132, the costs are as follows:

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 \$44.97 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 \$44.97 per day.

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 \$44.97, 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.

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

Preparer: Rya	n Brown (BL)	Reviewer:	KHC	Date:	1/17/24
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