Local Government Mandate Statement Kentucky Legislative Research Commission 2024 Regular Session

Part I: Measure Information

Bill Request #: 939
Bill #: _ HB 194
Document ID #: 2414
Bill Title: AN ACT relating to workplace violence against healthcare workers.
Sponsor: Representative Kimberly Poore Moser
Unit of Government: X City X County X Urban-County Unified Local X Charter County X Consolidated Local X Government
Office(s) Impacted: 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

HB 194 amends KRS 508.025, which defines assault in the third degree. Currently, KRS 508.025 includes in its definition of assault in the third degree instances where the person being assaulted is a healthcare provider providing medical care in an emergency room of a hospital. The proposed language expands the definition of assault in the third degree to include instances where the person being assaulted is a person that is employed by or under contract with a hospital or if the assault occurs in or on the premises of a hospital or a hospital-owned outpatient facility. Assault in the third degree when the person being assaulted is a healthcare provider is a Class D felony unless the offense occurs during a declared emergency as defined by KRS 39A.020, then it is a Class C felony.

HB 194 will have an indeterminate negative fiscal impact on local jails. HB 194 would expand criteria for which persons may be prosecuted for assault in the third degree. As such, there would be some increase in Class C and Class D felony convictions and incarcerations. Since there is no conviction or incarceration history for either these new felonies or existing offenses as revised, it is not possible to estimate law

enforcement or incarceration expenses to local governments as a result of HB 194. However, each person arrested, convicted, and incarcerated for violation of HB 194 would represent an additional expense to local law enforcement and jails, based on the average cost to incarcerate and the reimbursement amount from the state.

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.

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 \$44.97, 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.

Data Source(s): <u>LRC Staff. Department of Corrections.</u>

Preparer: Bart Liguori (RB) **Reviewer:** KHC **Date:** 2/5/24