Local Government Mandate Statement Kentucky Legislative Research Commission 2024 Regular Session

Part I: Measure Information

Bill Request #: 1080
Bill #:HB 254 HCS 1
Document ID #:
Bill Title: AN ACT relating to the Department of Public Advocacy.
Sponsor: Representative Daniel B. Elliott
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

Section 6 of HB 254 HCS 1 clarifies the exceptions to the prohibition of acceptance of fees for public advocacy attorneys. It clarifies that the attorney may not receive fees from any other source other than the Department of Public Advocacy; however, they can receive unsolicited gifts of de minimis value that are given by or on behalf of a needy person to any attorney after the conclusion of a case or matter as a token of appreciation for the work of the attorney. The bill reduces the penalty for acceptance of fees for public advocacy attorneys from a Class D felony to a Class A misdemeanor.

According to the Administrative Office of the Courts, they do not have any statistics related to the number of defendants convicted of accepting prohibited fees by public advocacy attorneys.

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 \$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.

The fiscal impact is indeterminable because there are no prior conviction statistics.

Data Source(s): Administrative Office of The Courts; LRC Staff; Department of

Corrections

Preparer: Bart Liguori (RB) Reviewer: KHC Date: 3/6/24