



**Section 3** of the bill increases the penalties for sexual offenses one class more severely than provided in the penalty provision pertaining to that offense if it is a felony or to a Class D felony if the offense would otherwise be a misdemeanor if at the time of the commission of the offense and in furtherance of the offense, the defendant was armed with a firearm. If convicted of a Class C or Class D felony within this section, an offender will be considered a violent offender in accordance with Section 9 of this bill.

**Section 4** of the bill increases the penalties for escape and other offenses related to custody one class more severely than provided in the penalty provision pertaining to that offense if it is a felony or to a Class D felony if the offense would otherwise be a misdemeanor if at the time of the commission of the offense and in furtherance of the offense, the defendant was armed with a firearm. If convicted of a Class C or Class D felony within this section, an offender will be considered a violent offender in accordance with Section 9 of this bill.

**Section 5** of the bill increases the penalties for rioting, disorderly conduct, and related offenses one class more severely than provided in the penalty provision pertaining to that offense if it is a felony or to a Class D felony if the offense would otherwise be a misdemeanor if at the time of the commission of the offense and in furtherance of the offense, the defendant was armed with a firearm. If convicted of a Class C or Class D felony within this section, an offender will be considered a violent offender in accordance with Section 9 of this bill.

**Section 6** of the bill increases the penalties for impersonating a peace officer from a Class D felony to a Class C felony if at the time of the commission of the offense the defendant was armed with a firearm. If convicted, an offender will be considered a violent offender in accordance with Section 9 of this bill.

**Section 7** of the bill increases the penalties for promoting contraband from a Class D felony to a Class C felony if the dangerous contraband is a deadly weapon. If convicted, an offender will be considered a violent offender in accordance with Section 9 of this bill.

**Section 8** of the bill increases the penalties for unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun from a Class D felony to a Class C felony. If convicted, an offender will be considered a violent offender in accordance with Section 9 of this bill.

**The expected fiscal impact of this bill is indeterminable** because the number of defendants who have been convicted of these offenses while armed with a firearm in the commission of their offenses is not known; however, it is likely to be positive because it increases the penalties for some felonies one class more, and some misdemeanors to a Class D felony. This shifts the cost responsibility from the local jails to the state. Nevertheless, the frequency of these specific circumstances is unknown, making it difficult to accurately estimate the resulting cost implications for local jails.

**Class B and Class A misdemeanors:**

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. 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.

**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 \$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):** LRC Staff; Kentucky State Police; Department of Corrections

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