## Local Government Mandate Statement Kentucky Legislative Research Commission 2024 Regular Session

## **Part I: Measure Information**

Bill Request #: 919
Bill #: HB 439 HCS 1
<b>Document ID #:</b> 4963
Bill Title:         AN ACT relating to alcoholic beverages.
Sponsor: Representative Matthew Koch
Unit of Government:XCityXCountyXUrban-CountyXCharter CountyXConsolidated LocalXGovernment
Office(s) Impacted: Jails
Requirement: X Mandatory Optional
Effect on Powers & Duties: Modifies ExistingX_ Adds New Eliminates Existing

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

Section 5 of HB 439 HCS allows a vintage distilled spirits license to be issued as a supplementary license to a licensee that holds a primary license that permits the sale of distilled spirits by the package or by the drink. Vintage distilled spirits licensees shall purchase all vintage distilled spirits in person at its licensed premises. A licensee may sell the vintage spirits by the drink or by the package. A vintage distilled spirits licensee shall not purchase more than 24 vintage distilled spirits seller shall not sell more than 24 vintage distilled spirits seller shall not sell more than 24 vintage distilled spirits seller shall not sell more than 24 vintage distilled spirit packages to any single or combination of vintage distilled spirits licensees in any given 12-month period.

Persons who violate Section 5 of HB 439 HCS shall be guilty of a Class A misdemeanor for a first offense and guilty of a Class D felony for a second and each subsequent offense.

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.

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.

**HB 439 HCS would have a presently indeterminable but minimal negative fiscal impact on local jails and law enforcement.** HB 439 HCS would create a new Class A misdemeanor and Class D felony. As such, there would be some increase in 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 439 HCS. However, each person arrested, convicted, and incarcerated for violation of HB 439 HCS would represent an additional expense to local law enforcement and jails.

**Data Source(s):** <u>LRC Staff; Kentucky Department of Corrections</u>

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