Local Government Mandate Statement Kentucky Legislative Research Commission 2024 Regular Session

Part I: Measure Information

Bill Request #: 2065						
Bill #: HB 618 GA						
Document ID #: 7718						
Bill Title: AN ACT relating to modernization of disease testing.						
Sponsor: Representative Danny Bentley						
Unit of Government:XCityXCountyXUrban-CountyXCharter CountyXConsolidated LocalXGovernment						
Office(s) Impacted: Law enforcement; local jails; courts						
Requirement: <u>X</u> 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 510.320 to broaden the scope of required sexually transmitted disease (STD) testing for individuals charged with certain sexual offenses. The bill would require such individuals be tested for all STDs, not just the human immunodeficiency virus (HIV).

Section 2 amends KRS 529.090 to similarly require individuals convicted of prostitution or procuring another to commit prostitution to undergo screening for all STDs rather than just HIV. Any person convicted of procuring another to commit prostitution in a manner likely to transmit an STD who knew that they had tested positive before the commission of the crime is established as a Class A misdemeanor. The Class D felony of knowingly transmitting HIV in the commission of the same offense is removed from the statute.

The fiscal effect of HB 618 GA is indeterminable, though likely to be slightly

negative. The bill broadens the range of diseases that must be tested for, though it's not clear that the new tests would actually cost more than those that test only for HIV.

Section 2 creates a Class A misdemeanor, broadening the range of individuals who previously may have previously been charged with a Class D felony. It's not clear how many would be charged under the new offense, but each person incarcerated as a result of it would represent an additional cost for local jails.

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.

Data Source(s): LRC Staff; Department of Corrections

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