Local Government Mandate Statement Kentucky Legislative Research Commission 2024 Regular Session

Part I: Measure Information

Bill Request #: 3
Bill #: SB 16 HCS 1
Document ID #:
Bill Title: AN ACT relating to agricultural key infrastructure assets.
Sponsor: Senator John Schickel
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

SB 16 HCS 1 amends KRS 511.100 to expand the definition of "key infrastructure assets" to include commercial food manufacturing or processing facilities, animal feeding operations, and concentrated animal feeding operations. It also expands the definition of the offense of trespass upon key infrastructure assets to include operating an unmanned aircraft system, video recording device, audio recording device, or photography equipment over commercial food manufacturing or processing facilities, animal feeding operations, and concentrated animal feeding operations, as well as recording or distributing any part, procedure, or action of commercial food manufacturing or processing facilities, animal feeding operations, and concentrated animal feeding operations. SB 16 HCS 1 adds an exemption for electric, water, or natural gas utility companies conducting legitimate business activities, as well as government law enforcement, regulatory officers, or employees engaged in their official duties.

The fiscal impact of SB 16 HCS 1 on local governments is indeterminable, though likely slightly negative. As it changes the definition of a previously existing

misdemeanor, there is no conviction or incarceration history for the new definition of the offense with which to base a projection of potential costs to local jails or law enforcement. However, the daily costs for those incarcerated as a result of the offense are outlined below.

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.

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

Preparer: Ryan Brown (BL) **Reviewer:** KHC **Date:** 3/11/24