

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

Part I: Measure Information

Bill Request #: 60

Bill #: SB 20 SCS 1

Document ID #: 5047

Bill Title: AN ACT relating to crimes and punishments.

Sponsor: Senator Matthew Deneen

Unit of Government: City County Urban-County
Unified Local
 Charter County Consolidated Local Government

Office(s) Impacted: Law Enforcement, Jails

Requirement: Mandatory Optional

Effect on
Powers & Duties: Modifies Existing Adds New Eliminates Existing

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

Section 1 amends KRS 439.3401 to add certain offenses to those that would classify a person convicted of any such offenses as a “violent offender.” These offenses include certain instances of burglary in the first degree, assault in the second degree, and wanton endangerment in the first degree. It also adds language mandating that violent offenders convicted of certain instances of wanton endangerment in the first degree and assault in the second degree not be released on probation or any other form of early release until he or she has served at least 50% of the sentence imposed.

Section 2 enhances the penalty of wanton endangerment in the first degree from a Class D to Class C felony if the person discharges a firearm in the commission of the offense.

Section 3 amends KRS 635.020 to require that children over the age of 15 to be tried as an adult if they are charged with a Class A, B, or C felony in which a firearm, whether functional or not, was used in the commission of the offense. They shall be transferred to the Circuit Court for trial as an adult, though they may be transferred back to the District

Court if the Commonwealth’s attorney determines it is in the best interest of the public to do so. If convicted in the Circuit Court, they shall be subject to the same penalties as an adult offender, but shall be confined in a facility for juveniles or youthful offenders until they reach 18 years of age, after which they shall serve their remaining sentence as an adult offender.

SB 20 SCS 1 would have an indeterminate negative fiscal impact on local jails.

People classified as “violent offenders” are prohibited by KRS 439.3401 from being awarded credit on their sentence if it reduces the term of imprisonment to less than 85% of the sentence. Adding offenses to the list of violent offender offenses would thus increase the minimum sentence for those offenses. Similarly, increasing the penalty of wanton endangerment in the first degree from a Class D to Class C felony would increase the sentence length for that offense. Allowing children over the age of 15 to be tried as an adult under circumstances described in Section 3 would increase the potential number of people that may be incarcerated in local jails for Class C or D felonies. Any additional people incarcerated or time served resulting from the bill represents additional daily expenditures to house inmates.

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 Department of Corrections

Preparer: Ryan Brown (BL) **Reviewer:** KHC **Date:** 2/8/24