Local Government Mandate Statement Kentucky Legislative Research Commission 2024 Regular Session

Part I: Measure Information

Bill Request #: 895
Bill #: SB 43
Document ID #: 1217
Bill Title: AN ACT relating to motor vehicle theft.
Sponsor: Senator David Yates
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 X Adds New Eliminates Existing

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

Section 1 of SB 43 creates a new section of KRS Chapter 514 which establishes motor vehicle theft as a Class D felony for the first offense and a Class C felony for subsequent offenses, though the penalty is one level higher if serious physical injury results from the offense. Motor vehicle theft is defined as the unlawfully taking or exercising control over a motor vehicle of another with the intent to deprive them thereof.

Section 2 amends KRS 514.100 to include Section 1 of SB 43 as a previous conviction for which the penalty for a person guilty of unauthorized use of an automobile would increase from a Class A misdemeanor to a Class D felony.

Section 3 amends KRS 514.110 to increase the penalty for receiving stolen property from a Class B misdemeanor to a Class D felony if the property is a motor vehicle, regardless of value.

Section 4 amends KRS 515.020 to increase the penalty for robbery in the first degree from a Class B felony to a Class A felony if the offense involves the theft of a motor vehicle and results in serious physical injury.

Section 5 amends KRS 514.030 to exclude violations of Section 1 of SB 43 from offenses that would otherwise be classified as theft by unlawful taking or disposition.

The fiscal impact of SB 43 on local governments is expected to be minimal. Under current classifications, motor vehicle thefts, as outlined in Section 1 of SB 43, are generally considered theft by unlawful taking. These offenses, based on the vehicle's value, are typically classified as either Class C or Class D felonies. SB 43, particularly in sections 1, 2, 3, and 5, specifies instances that are already likely to be categorized as Class C or D felonies in accordance with KRS 514.030. Therefore, the bill is not expected to significantly alter the costs incurred by local jails.

Class A and B felons are not lodged in local jails.

Data Source(s): LRC Staff

Preparer: Ryan Brown (BL) **Reviewer:** KHC **Date:** 1/10/24