Local Government Mandate Statement Kentucky Legislative Research Commission 2024 Regular Session

Part I: Measure Information

Bill Request #: 820						
Bill #: SB 48 GA						
Document ID #: <u>6558</u>						
Bill Title: AN ACT relating to theft by unlawful taking or disposition.						
Sponsor: Senator David Yates						
Unit of Government:XCityXCountyXUrban-CountyXCharter CountyXConsolidated LocalXGovernment						
Office(s) Impacted: Jails						
Requirement: Mandatory X_ 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 48 GA amends KRS 514.030, which defines theft by unlawful taking or disposition. Currently KRS 514.030 allows jurisdictions to combine two (2) or more offenses of theft by taking and unlawful disposition within a ninety- (90) day period into one offense.

SB 48 GA extends the ninety- (90) day period to a one- (1) year period. Penalties for theft by unlawful taking or disposition range from a Class B misdemeanor to a Class A felony depending on the circumstances of the theft and the value of the property that was taken. By extending the time period in which two (2) or more offenses can be combined, the value of the property may increase, which would increase penalty; conversely, by increasing the time period to one (1) year, there may be fewer charges that are filed.

The fiscal impact of SB 48 GA is indeterminable. By increasing the time period to one (1) year, the penalties for theft by unlawful taking may increase from a Class B misdemeanor to a Class A misdemeanor or higher depending on the offense. LRC

reached out to AOC to determine how many instances of theft by unlawful taking or disposition included two or more offenses within a one- (1) year period. AOC was not able to calculate that number with certainty; therefore, the number of offenses and the penalties a defendant may face cannot be calculated.

Class B and Class A misdemeanors:

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.

Class D and Class C felons:

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 Sourc	e(s): <u>Administrative</u>	Administrative Office of The Courts; LRC Staff; Department of			
	Corrections				
Preparer:	Bart Liguori (RB)	Reviewer:	KHC	Date:	2/23/24