

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2025 Regular Session**

Part I: Measure Information

Bill Request #:	991	Bill #:	HB 135
Document ID #:	1318	Sponsor:	Rep. Jared A. Bauman
Bill Title:	AN ACT relating to workplace violence against drivers of public transportation.		

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

Office(s) Impacted: Jails

Requirement: Mandatory Optional

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

Other Fiscal Statement(s) that may exist: Actuarial Analysis Corrections Impact
 Health Benefit Mandate State Employee Health Plan

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

HB 135 amends KRS 508.025, which defines assault in the third degree. The proposed language expands the definition of assault in the third degree to include instances where the person being assaulted is a person that is a driver of any form of public transportation acting in the course and scope of the driver's employment. Assault in the third degree when the person being assaulted is a driver of any form of public transportation is a Class D felony, unless the offense occurs during a declared emergency as defined by KRS 39A.020, then it is a Class C felony.

HB 135 will have an indeterminate negative fiscal impact on local jails. HB 135 would expand criteria for which persons may be prosecuted for assault in the third degree. As such, there would be some increase in Class C and Class D felony convictions and incarcerations. Since there is no conviction or incarceration history for either these new felonies or existing offenses as revised, it is not possible to estimate law enforcement or incarceration expenses to local governments as a result of HB 135. However, each person arrested, convicted, and incarcerated for violation of HB 135

would represent an additional expense to local law enforcement and jails, based on the average cost to incarcerate and the reimbursement amount from the state.

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 \$47.43, 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 \$47.43, 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, Department of Corrections

Preparer: BW **Reviewer:** JB (MDA) **Date:** 1/8/25