

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

**Part I: Measure Information**

<b>Bill Request #:</b>	111	<b>Bill #:</b>	HB 142
<b>Document ID #:</b>	721	<b>Sponsor:</b>	Rep. Marianne Proctor
<b>Bill Title:</b>	AN ACT relating to real property rights.		

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

Office(s) Impacted:    Local 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**

Section 1 of HB 142 would define a squatter as a person who enters or remains unlawfully in a dwelling or commercial building under certain conditions.

Section 2 would allow a person to request a peace officer to remove a squatter occupying a dwelling or commercial building under certain conditions. A peace officer acting in good faith under these provisions would be immune from criminal and civil liability.

Section 3 would create a new Class D felony offense, criminal mischief in the first degree, for squatters convicted of intentionally or wantonly defacing, destroying, or damaging property causing a loss of \$500 or more.

Section 4 would create a new Class A misdemeanor offense, criminal mischief in the second degree, for squatters convicted of intentionally or wantonly defacing, destroying, or damaging property causing a loss of \$500 or less.

It would also create a new Class D felony offense for persons convicted of the fraudulent sale or lease of real property when the person knowingly lists or advertises residential real property or a commercial building for sale, lease, or rent without legal title or authority that results in a pecuniary loss for an individual in the state. Subsequent offenses would be upgraded to a Class C felony.

**HB 142 would have an indeterminate negative fiscal impact on local jails.** The number of violations of this act cannot be anticipated, however the creation of new misdemeanor and felony offenses would have associated costs for local jails.

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.

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):** Kentucky Department of Corrections

**Preparer:** AS **Reviewer:** JB (MDA) **Date:** 1/9/25