

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

Part I: Measure Information

Bill Request #:	1195	Bill #:	HB 201
Document ID #:	2098	Sponsor:	Rep. Edward Matthew Lockett
Bill Title:	AN ACT relating to theft of services		

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

Office(s) Impacted: Law Enforcement, 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 201 amends KRS 514.060 to broaden what may be considered theft of services. Under the Act, theft of services may now include instances in which a person holds control of rental equipment under a written rental agreement beyond the expiration of the of the rental period without the consent of the owner and deprives the owner of the equipment of its use in further rentals, refuses to pay, fails to respond within five days after receiving notice, and refuses to make an agreeable payment to a rental agency within 30 days of receipt of a late notice.

The fiscal impact of HB 201 on local government is indeterminable. As this adds a new action which may be deemed theft of services, there is no history of convictions which could be used to reliably project potential costs to local jails. The penalty for theft of services varies based on the value of the service that is stolen, ranging from a Class B misdemeanor if the value is under \$500, to a Class C felony if the value is over \$10,000. The daily cost per inmate to jails depends on the level of charge for which the inmate is convicted, so potential costs would depend on how value in these instances are calculated.

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 \$47.43 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 \$47.43 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 \$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: HT **Reviewer:** JB (MDA) **Date:** 1/15/25