

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

Part I: Measure Information

Bill Request #:	1195	Bill #:	HB 201/GA
Document ID #:	5245	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/GA amends KRS 514.070 to outline legal provisions regarding the rental or lease of personal property valued at \$100 or more. It specifies that a person can be charged if they fail to return the property within 5 days after receiving a certified notice from the merchant or lessor, and if they intentionally conceal or withhold the property. Returning the property after the specified time does not serve as a defense against the charges. Any monetary losses from not being able to use the property for rentals can only be pursued as a civil matter based on the rental agreement. Additionally, individuals may still face prosecution under other applicable Kentucky Penal Code provisions for failing to return the property. Theft by not returning or disposing of property as required is a Class B misdemeanor, unless it violates a specific rule in subsection (1)(a).

The fiscal impact of HB 201/GA on local government is indeterminable but likely negative. 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:** 2/27/25