

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

Part I: Measure Information

Bill Request #:	1614	Bill #:	HB 446/HCS 1
Document ID #:	5609	Sponsor:	Rep. Kimberly Holloway
Bill Title:	AN ACT relating to assault in the third degree		

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 446 HCS 1 amends KRS 508.025 to define assault in the third degree as when a person, recklessly, with a deadly weapon or dangerous instrument, or intentionally causes or attempts to cause physical injury to:

1. A state, county, city, or federal peace officer
2. An employee of a detention facility, state residential treatment facility, or state staff secure facility for residential treatment
3. A healthcare provider
4. An employee of the Department for Community Based Services
5. Paid or volunteer emergency medical services personnel
6. Paid or volunteer member of an organized fire department
7. Paid or volunteer rescue squad personnel affiliated with the Division of Emergency Management or local disaster and emergency services organization
8. A probation and parole officer
9. A transportation officer
10. A public or private elementary or secondary school or school district classified or certified employee

11. A public or private elementary or secondary school or school district volunteer
12. A justice or judge of the Court of Justice
13. A driver of any form of public transportation

Violations of this act are classified as a Class D felony unless the offense occurred during a declared emergency, in which case it is a Class C felony.

The fiscal impact of HB 446 HCS 1 is indeterminable, but expected to be negative.

The number of potential violations cannot be determined, but there will be costs associated with the investigation of violations and the incarceration of offenders.

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, Kentucky Department of Corrections

Preparer: TJ **Reviewer:** HT (MDA) **Date:** 2/25/25