Local Government Mandate Statement
Kentucky Legislative Research Commission
2025 Regular Session

Part I: Measure Information

Bill Request #:	1065	**Bill #:**	HB 68
Document ID #:	1629	**Sponsor:**	Rep. Daniel Grossberg
Bill Title:	AN ACT relating to hate crimes		

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

Office(s) Impacted: Department of Corrections, 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 68 creates a new section of KRS Chapter 532 to provide for enhanced terms of imprisonment if an individual is convicted of a crime under the following KRS Chapters (inclusive of the attempt to commit a crime under these chapters) and if the victim of the crime was selected because of that person's actual or perceived race, color, ethnicity, national origin, religion, mental or physical disability, gender identity or expression, or sexual orientation:

KRS Chapter 507: Criminal Homicide;
KRS Chapter 507A: Fetal Homicide;
KRS Chapter 508: Assault and Related Offenses;
KRS Chapter 509: Kidnapping and Related Offenses;
KRS Chapter 510: Sexual Offenses;
KRS Chapter 525: Riot, Disorderly Conduct, and Related Offenses; and

The new section of KRS Chapter 532 also provides for enhanced terms of imprisonment if an individual is convicted of the following crimes or an attempt to commit the following crimes:

1. Criminal mischief in the first, second, and third degree (KRS 512.020, 512.030, 512.030);
2. Arson in the first, second, and third degree (KRS 513.020, 513.030, 513.040); and

The defendant intentionally committed a crime against property associated with a person because of that person's actual or perceived race, color, ethnicity, national origin, religion, mental or physical disability, gender identity or expression, or sexual orientation.

When the defendant is convicted of a crime detailed above and is charged with intentionally committing the underlying offense because of the reasons outlined above, the court shall conduct a separate hearing to determine if the person intentionally committed the underlying offense because of race, color, ethnicity, nationality, religion, disability, gender identity or expression, or sexual orientation. The hearing shall be conducted by the same court. The court has the discretion to seat the same jury or to impanel a new jury.

If found guilty of intentionally committing the underlying crimes because of that person's actual or perceived race, color, ethnicity, national origin, religion, mental or physical disability, gender identity or expression, or sexual orientation, the following enhanced penalties are available:

Underlying Offense	**Increase in Term of Imprisonment**	**Increase in Fine**
Class A Misdemeanor	Increase by at least half of the maximum sentence for that misdemeanor	Increased by at least half of the maximum fine amount for that misdemeanor
Class B Misdemeanor	Increase by at least half of the maximum sentence for that misdemeanor	Increased by at least half of the maximum fine amount for that misdemeanor
Class D Felony	Increased by one to five years	N/A
Class C Felony	Increased by five to ten years	N/A
Class B Felony	Increased by ten to twenty years	N/A
Class A felony	Increased by ten to twenty years	N/A

Any defendant who receives an enhanced term of imprisonment shall not be eligible for probation, shock probation, conditional discharge, parole, or any other form of early release.

Lastly, a new section added to KRS Chapter 508 classifies using hate symbols to intimidate as that which intentionally uses, displays, or sends a symbol historically used as a symbol of impending violence, to place another person in apprehension of physical injury. This violation is a Class A misdemeanor.

The fiscal impact of HB 68 on local governments is indeterminable.

The restrictions of KRS 6.945(1) shall not apply to Sections 1 to 4 of HB 68.

Hate crimes come into play at the point of sentencing. They are not separate Uniform Crime Reporting Codes differentiating hate crimes from any other offenses. An original case record would contain information about whether any given conviction's sentence is enhanced due to being a hate crime, but unfortunately, this data is not entered into the Administrative Offices of the Court case management system except perhaps as a memo, and therefore we cannot capture it to report statistics.

Class B and Class A misdemeanors:
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.

Class D and Class C felons:
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: HT **Reviewer:** JB (MDA) **Date:** 1/14/25