

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

Part I: Measure Information

Bill Request #:	1112	Bill #:	SB 64/GA
Document ID #:	3818	Sponsor:	Senator Brandon Storm
Bill Title:	AN ACT relating to key infrastructure assets		

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

Office(s) Impacted: Department of Corrections

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

SB 64 amends KRS 511.100 and KRS 512.020, adding language to both Section 1 and Section 2.

Section 1 adds to KRS 511.100 stating a facility, equipment, or communication line used in the delivery of cable television, telephony, or broadband service is defined under “Key Infrastructure Assets”.

Section 2 amends KRS 512.020 to expand the elements in which a person could be charged with criminal mischief in the first degree. Under current law, a person is guilty if they tamper with the operations of a key infrastructure asset, as defined in KRS 511.100, in a manner that renders the asset harmful or dangerous. The amendment adds language making it a crime to damage or possess a key infrastructure asset in a way that renders it inoperable, either in whole or in part in addition to the existing elements of tampering and rendering the asset harmful or dangerous.

Section 3 would declare an emergency due to threats to key infrastructure assets and makes the Act effective upon passage and approval by the Governor or upon otherwise becoming a law.

The fiscal impact of SB 64 on local government is indeterminable but likely negative. SB 64 broadens the scope of qualifying events for criminal mischief in the first degree by expanding the definition of a key infrastructure asset, adding cases where assets are rendered inoperable in part or as a whole, and including cases where a person damages or possesses these assets. This expansion has the potential to increase the number of violations. Criminal mischief in the first degree is a Class D felony, so a potential increase in violations would be at the expense of jails.

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.

Data Source(s): LRC Staff, Department of Corrections

Preparer: HT **Reviewer:** AS (MDA) **Date:** 2/6/25