

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

**Part I: Measure Information**

<b>Bill Request #:</b>	1534	<b>Bill #:</b>	HB 360
<b>Document ID #:</b>	3266	<b>Sponsor:</b>	Rep. Scott Sharp
<b>Bill Title:</b>	AN ACT relating to adult performances and declaring an emergency		

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 360 would add a new section of KRS Chapter 525 to define adult performances and create the crime of engaging in an adult performance on publicly owned property or in a location where a person knows the performance will likely be viewed by someone under the age of 18 years old. The first offense is classified as a Class B misdemeanor, the second offense as a Class A misdemeanor, and each subsequent offense as a Class D felony.

**The fiscal impact of HB 360 is expected to be negative.** This bill would add two new misdemeanors and a new felony, increasing the number of potential investigations and the number of perpetrators incarcerated.

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.

**Data Source(s):** LRC Staff; Kentucky Department of Corrections

**Preparer:** TJ **Reviewer:** BW (MDA) **Date:** 1/23/26