Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 66							
Bill #: HB 25							
Document ID #:							
Bill Subject/Title: AN ACT relating to domestic violence.							
Sponsor: Rep. Thomas Walker							
Unit of Government: x City x County x Urban-County Unified Local							
<u>x</u> Charter County <u>x</u> Consolidated Local <u>x</u> Government							
Office(s) Impacted: local jails and law enforcement							
Requirement:x Mandatory Optional							
Effect on Powers & Duties:x _ Modifies Existingx _ Adds New Eliminates Existing							

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 25 amends KRS 525.135 relating to torture of a dog or cat:

- to prohibit persons charged with an offense under Section 1 from being eligible for pretrial diversion;
- to increase the penalty of torture of a dog or cat from a Class A misdemeanor for a first offense to a Class D felony for any offense; and
- to prohibit any form of early release for those who committed the offense as a way to threaten, intimidate, coerce, harass, or terrorize a family member or member of a dating relationship.

The fiscal impact of HB 25 is indeterminate and minimal.

Through changing the penalty structure, Class A misdemeanor offenses will be decreased and the cost will no longer be the responsibility of the county jail. However, Class D felony convictions will be increased and the cost of incarceration will be shifted to the state and local jails will have an increase in revenue through state reimbursement.

For persons convicted of torture of a dog or cat and committed the offense with the intent to threaten, intimidate, coerce, harass, or terrorize a family member or member of a dating relationship, then Class D felony incarcerations for such animal torture offenses will be of longer duration as a consequence of the provisions of this bill.

The costs and reimbursements associated with Class A misdemeanor and Class D felony incarcerations are described below.

A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 76 full service jails or four life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.34 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 76 full service jails or four life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the 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 \$31.34 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

Part III: Differences to Local Government Mandate Statement from Prior Versions

The Part II section above pertains to the bill as drafted and there are not any prior versions of the bill to complete the Part III section.

Data Sourc	ce(s):	Kentucky Jailers	Association; K	entucky	Department of	Correction	<u>ons</u>
Preparer:	H. Mar	ks	Reviewer:	KHC		Date:	12/27/18