Local Government Mandate Statement Kentucky Legislative Research Commission 2018 Regular Session

Part I: Measure Information

Bill Request #: 1219
Bill #: _HB 324 HCS 1
Document ID #: 5391
Bill Subject/Title: AN ACT relating to trespass.
Sponsor: Respresentative D. St. Onge
Unit of Government: X City X County Y Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Jails, Department of Corrections
Requirement: X Mandatory Optional
Effect on Powers & Duties: Modifies ExistingX Adds New Eliminates Existing

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

HB 324 HCS creates a new section of KRS Chapter 511, Burglary and Related Offenses, to include the offense of trespassing upon key infrastructure assets. HB 324 HCS defines key infrastructure assets as any electrical power system facility or node; natural gas and petroleum facilities including those used for production, processing, and storage; rubber or hazardous chemical manufacturing facilities; railroad yards and tunnels; water supply systems; a facility used for military weapons systems or components or parts to meet military requirements of the United States; or a wireless communications facility.

As provided in HB 324 HCS, a person commits the offense of trespass upon key infrastructure assets if he or she knowingly enters or remains unlawfully in or upon real property where the key infrastructure is located or if he or she knowingly uses an unmanned aircraft system to conduct surveillance or for the collection of photographs, videos or other information on any portion of the key infrastructure asset without prior written approval.

Trespass upon key infrastructure assets is a Class B misdemeanor for the first offense and a Class A misdemeanor for a second or subsequent offense.

The fiscal impact of HB 324 HCS on local governments is indeterminable but expected to be minimal at this time due to the unpredictable number of offenders and that most misdemeanants are generally not imprisoned.

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 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.

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

HB 324 HCS 1 added wireless communications facilities and any related assets to the definition of "Key Infrastructure assets." There is no change to the fiscal impact of HB 324.

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

Preparer: Mark Offerman Reviewer: KHC Date: 2/26/18