

A tenant is guilty of criminal mischief in the **third degree** (KRS 512.040) when a tenant intentionally or wantonly defaces, destroys or damages any property, or tampers with property so as to knowingly endanger the person or property of another and the damage costs are less than \$500. Criminal mischief in the third degree is a Class B misdemeanor.

Recent discussion with a large nonprofit housing provider that currently manages over 1,300 units, stated that over the past five years, there have been no instance of a tenant willfully damaging any of their units. Most damage they see are in vacant single-family units that are vandalized. This nonprofit has a mix of single-family and multifamily units. In the event a tenant intentionally caused damage, law enforcement would be contacted.

A large urban housing authority that owns and manages several thousand units indicated they have very few units, if any, that have ever been intentionally damaged. They have not previously reported damage to law enforcement and is not inclined to do so in the future.

A large for profit management company stated they have over 11,000 units in their portfolio. They have approximately 4,000 rental unit turnovers in the course of a year. Of these, they reported that approximately twenty units had damage that exceeded \$1,000 and they did not think that any of these were intentionally damaged. In the event it was determined damage was intentional, law enforcement would be contacted.

Overall, the expected fiscal impact of SB 11/HCS 1 on local jails is indeterminable, but any impact is expected to be minimal.

Jail Costs Language

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 77 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 \$37.35 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 \$37.35 per day.

Class D 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 77 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 \$37.35, which includes the \$31.34 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 \$31.34 per day to house a Class D felon. The per diem may be less than, equal to, or greater than the actual housing cost.

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

Part II, above, pertains to the HCS 1 version.

The fiscal impact of HCS 1 to SB 11 remains the same as the LM to the GA version and the bill as introduced. The HCS 1 version made a technical correction to the definition of “Lease or rental agreement” and did not affect the fiscal impact.

Part II, above, pertains to the GA version. The GA version is the same as the bill as introduced. No amendments or substitutes were adopted when the bill passed its chamber of origin.

Data Source(s): LRC Staff

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