# Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2015 Regular Session

#### Part I: Measure Information

Bill Request #: 1111		
Bill #: HB 269		
Bill Subject/Title: AN ACT relating to domestic violence		
Sponsor: Representative Adam A. Koenig		
Unit of Government:XCityXCountyXUrban-CountyXCharter CountyXConsolidated LocalXGovernment		
Office(s) Impacted: local law enforcement, local jailers		
Requirement: <u>X</u> Mandatory Optional		
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing		

### Part II: Purpose and Mechanics

The purpose of HB 269 Section 1 is to include "stalking" in the definition of domestic violence and abuse. Under current law KRS 403.720(1) defines domestic violence and abuse as "physical injury, serious physical injury, sexual abuse, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault between family members or members of an unmarried couple." HB 269 Section 1 would amend KRS 403.720(1) to include in the definition of domestic violence or abuse "Stalking of or engaging in a course of conduct which seriously alarms a family member or members of an unmarried couple."

The purpose of HB 269 Section 2 is to include electronic communication as a means of harassing communication that is unlawful under Kentucky criminal statutes. Under current law KRS 525.080(1) prohibits harassing communications by "telephone, telegraph, mail, or any other form of written communication." The bill would include harassing *electronic* communication as prohibited communication.

## Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

# HB 269 would have no to minimal fiscal impact on local jails or local law enforcement.

Law enforcement reports that HB 269 would have no to minimal impact on local governments. Since stalking is already a criminal offense in Kentucky to which law enforcement responds, including it in the definition of domestic violence and abuse would not increase the enforcement or administrative burden on local law enforcement.

Harassing Communications is a Class B misdemeanor. Expanding the definition to include electronic communications has the potential to minimally increase Class B misdemeanor convictions for Harassing Communications. A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days in one of Kentucky's 78 full service jails or five 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. 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.

#### Data Source(s): Kentucky County Attorneys' Association, Kentucky Association of Chiefs of Police, LRC staff

Preparer: Mary Stephens	<b>Reviewer:</b> MCY	<b>Date:</b> 2/20/15
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