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

Part I: Measure Information

Bill Request #: 165					
Bill #: HB 515 HCS					
Bill Subject/Title: AN ACT relating to human trafficking					
Sponsor: Representative Sannie L. Overly					
Unit of Government:XCityXCountyXUrban-CountyXCharter CountyXConsolidated LocalXGovernment					
Office(s) Impacted: local law enforcement, local prosecutors, local jails					
Requirement: <u>X</u> Mandatory Optional					
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing					

Part II: Purpose and Mechanics

Under current law, KRS 531.330 provides that a defendant charged with any of several unlawful activities with a minor, including human trafficking involving commercial sexual activity, may prove in defense that he or she in good faith reasonably believed the person involved in the activity was not a minor. HB 515 Section 1 would create a new section of KRS Chapter 529 to explicitly remove such defense to a charge of human trafficking or promoting human trafficking under KRS 529.100 and KRS 529.110 that involves commercial sexual activity. HB 515 Section 2 would remove human trafficking offenses involving commercial sexual activity as those for which lack of knowledge of a minor's age is a defense.

Section 3 of HB 515 would amend KRS 529.170 to provide as a defense to prosecution for all but violent crimes that the defendant is a victim of human trafficking, as defined in KRS 529.010.

HB 515 HCS retains the original provisions of Sections 1 and 2 of the bill and eliminates Section 3 of the bill, which would have provided human trafficking victims a defense to prosecution for all but violent crimes.

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

The fiscal impact of HB 515 HCS is expected to be minimal.

The HCS would have the same fiscal impact on local government as the original bill. The crime of human trafficking is underreported in Kentucky, so it is unknown how many people perpetrate, or are victims of, human trafficking; however, the number of human trafficking victims in Kentucky was estimated in 2014 to be fewer than one thousand. It is indeterminable how many of these victims are minors. It would be expected that there are fewer perpetrators in Kentucky than victims.

Given these relatively few numbers, and the fact that human trafficking, prostitution and other commercial sexual activity is already illegal, it is expected that the fiscal impact of HB 515 HCS on local law enforcement, prosecutors, or jailers, would be minimal.

Data Source(s): <u>LRC staff</u>

Preparer:	Mary Stephens	Reviewer:	MCY	Date:	2/26/15
------------------	---------------	------------------	-----	-------	---------