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

Part I: Measure Information

Bill Request #: 165
Bill #: _HB 515 GA
Bill Subject/Title: AN ACT relating to human trafficking
Sponsor: Representative Sannie L. Overly
Unit of Government: X City X County X Urban-County Unified Local X Charter County X Consolidated Local X Government
Office(s) Impacted: local law enforcement, local prosecutors, local jails
Requirement: X 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 GA 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 GA Section 2 would amend KRS 531.330 to remove human trafficking offenses involving commercial sexual activity as those for which lack of knowledge of a minor's age is a defense, or for which the defendant may prove to excuse his behavior that he in good faith reasonably believed the person involved in the performance was not a minor.

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

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

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 GA on local law enforcement, prosecutors, or jailers, would be minimal.

Data Source(s): LRC staff

Preparer:Mary StephensReviewer:MCYDate:3/3/15