CORRECTIONS IMPACT STATEMENT

SESSION: 15RS **BILL #:** HB 8 HCS **BR #:** 60 **DOC ID#:** HB000830.100 - 60 - 3610

BILL SPONSOR(S): Rep. J. Tilley, J. Jenkins, R. Bunch, R. Crimm, J. Richards **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to interpersonal protective orders.

SUMMARY OF LEGISLATION: Establish KRS Chapter 456 and create new sections thereof to allow persons to petition for interpersonal protective orders when the person has been the victim of domestic violence and abuse, dating violence and abuse, sexual assault, or stalking; define terms; set forth legislative intent; establish procedures for the filing, review, and hearing of the petition and issuance and service of a resulting protective order; provide court processes and evidentiary standards, county attorney protocols, a process for filing, authenticating, and enforcing protective orders from other states, entry of the orders into law enforcement systems, and law enforcement responsibilities; set penalties for violation of the order and protocols for ordering GPS monitoring of a respondent; create a new section of KRS 403.715 to 403.785; provide transitional provisions in regard to the existing domestic violence order system; amend KRS 431.005 and 431.015 to account for arrests in dating violence situations; amend KRS 508.155 to provide a transition timeline for the existing stalking protective order system; create a new section of KRS Chapter 510 to establish a system for issuance of a protective order in rape, sodomy, and abuse cases; amend various other sections to conform; EFFECTIVE January 1, 2016.

HCS - Make conforming amendments reflecting the change in terminology to the phrase "interpersonal protective order."
HFA (1, T. Kerr) - Amend to allow orders issued on the basis of domestic violence and abused to be referred to as emergency protective orders and domestic violence orders.

This ☒ **bill** ☐ **amendment** ☐ **committee substitute is expected to:**

☒ **Have the following Corrections impact** ☐ **Have no Corrections impact**

☒ Creates new crime(s)
☐ Increases penalty for existing crime(s)
☐ Increases incarceration
☐ Reduces inmate/offender services
☐ Increases staff time or positions
☐ Changes elements of offense for existing crime(s)
☐ Otherwise impacts incarceration (Explain)_____

☐ Repeals existing crime(s)
☐ Decreases penalty for existing crime(s)
☐ Decreases incarceration
☐ Increases inmate/offender services
☐ Reduces staff time or positions

STATE IMPACT: Class A, B & C felonies are based on an average daily prison rate of $60.38. Most Class D felons are housed in one of 79 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is $32.92 per day (includes jail per diem, medical & central office costs), not including substance abuse treatment. Projections are based on the daily rate x 365 x number of years.

Projected Impact: ☐ NONE ☒ MINIMAL ☐ MODERATE ☐ SIGNIFICANT

Potential Cost: Section 10. This bill proposal creates a new chapter and establishes a Class D felony penalty for failure of a respondent to participate in a global positioning monitoring system when court ordered to participate. This could increase costs associated with incarceration.

A Class D Felony sentence is 1 to 5 years.

1 Class D Felon costs Ky. $12,014 to $60,072.

10 Class D Felons cost $120,145 to $600,724.

100 Class D Felons cost $1.2M to $6M.

LOCAL IMPACT: Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until disposition of the case. While the expense varies by jail, this estimated impact will be based on $32.25 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Potential Cost: Section 18 Establishes a penalty for a violation of an order of protection a Class A misdemeanor.

Based on the $32.25 per diem rate, the local impact is estimated as follows:
A Class A misdemeanor is 90 days to 1 year in jail
1 Class A misdemeanant: $2,903. to $11,771.
10 Class A misdemeanants: $29,025 to 117,713.
100 Class A misdemeanants: $290,250 to $1.1M.

The following offices contributed to this Corrections Impact Statement:
☒ Dept. of Corrections ☐ Dept. of Kentucky State Police ☐ Administrative Office of the Courts ☐ Parole Board ☐ Other

NOTE: Consideration should be given to the cumulative impact of all bills that increase the felon population or that impose new obligations on state or local governments.

APPROVED BY: _____ _____
Commissioner, Kentucky Department of Corrections Date