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

Part I: Measure Information

Bill Request #: 60
Bill #: HB 8 HCS
Bill Subject/Title: AN ACT relating to interpersonal protective orders
Sponsor: Rep. John Tilley
Unit of Government: X City X County Y Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: local law enforcement, local jailers
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing

Part II: Purpose and Mechanics

Under current domestic violence statutes (KRS 403.715 to 403.785) only family members and members of unmarried couples may petition for emergency protective orders and domestic violence orders. "Member of an unmarried couple" is defined in KRS 403.720 to mean each member of an unmarried couple which allegedly has a child in common, any children of that couple, or a member of an unmarried couple who are living together or have formerly lived together. Protective orders are available to victims by petition 24 hours a day. Police officers receive notice of issued protective orders electronically as soon as they are issued. If the alleged abuser violates a protective order he or she may be arrested immediately without a warrant. Currently, these protections are not available to victims of dating violence or abuse, sexual assault or stalking.

HB 8 HCS retains the original provisions of the measure as introduced, and adds Sections 36 and 37 to the bill, as follows:

Section 36 of the bill would amend KRS 14.304. That statute provides that, upon creation of the crime victim address protection program, crime victims may apply to the Secretary of State for an address to use for purposes of voting. Their application must include a sworn statement regarding whether they have been issued an emergency protection order or domestic violence order under KRS Chapter 403. The bill would require the sworn statement to also address whether the applicant has been issued an interpersonal protective order under new KRS Chapter

Section 37 of the bill would amend KRS 237.110. That statute authorizes the Kentucky State Police to issue and renew licenses to carry concealed firearms to qualified persons. Currently, persons against whom a domestic violence or emergency protective order is issued pursuant to KRS Chapter 403 are not qualified and the person's license must be surrendered. A peace officer against whom a domestic violence order or emergency protective order is issued under KRS Chapter 403 may not carry a weapon when not on the job. HB 8 HCS would also make these provisions applicable to persons who have been issued an interpersonal protective order under KRS Chapter 456. Only peace officers who are the subject of an interpersonal protective order on the basis of domestic violence or abuse under KRS Chapter 456 would be the objects of Section 37 of the bill.

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

The fiscal impact of HB 8 HCS on local government is expected to be moderate, as was the original bill.

Section 36 of the bill requires no action by local governments, and imposes no mandate on them. Section 37 of the bill could have minimal impact on local governments. Under KRS 237.110(13)(c), the Commissioner of the Kentucky State Police may order any peace officer to seize a revoked license, or may order the person whose license is revoked to surrender the license to the county sheriff. It is not quantifiable at this time how many additional licenses would be revoked by extending the right to apply for an interpersonal protective order to victims of dating violence or abuse, sexual assault, or stalking but it should be expected that there would be some increase.

Local law enforcement generally respond to all acts of violence, but an expansion of the right to petition for a protective order to additional populations of victims may result in increased calls to law enforcement and some additional time and resources expended. It is not possible to quantify the number of additional IPOs that would be issued as a result of the bill, over the number issued under current law; however, increased issuance could mean increased violations, resulting in an increase in the number of Class A misdemeanor convictions. Such convictions would result in more people in local jails, and so increase their costs of incarceration. However, this potential increase in the number of cases may be offset by law enforcement's ability to direct individuals to resolve their disputes by seeking an IPO rather than resorting to criminal sanctions, and incarceration. So, by increasing options that may be used to defuse a potentially volatile situation, law enforcement may benefit from the additional tools provided in HB 8 HCS. The Kentucky Association of Counties reports that they believe the bill would have a moderate fiscal impact on their members.

Data Source	e(s): Kentucky	Association of Counti	es, LRC staff		
Preparer:	Mary Stephens	Reviewer:	MCY	Date:	2/11/15