

1. to share in funds from the Law Enforcement Foundation Program, local governments would be required to have a written policy that complies with KRS Chapter 456;
2. notice to petitioners if an alleged perpetrator violates an order to wear a GPS device;
3. notice to victims that an alleged perpetrator has bought or attempted to buy a firearm;

Law enforcement responsibilities regarding IPOs issued for dating violence and abuse, sexual assault, or stalking would be the same as for domestic violence protection orders, including the duty to:

1. Assist victims in obtaining medical treatment and in having the IPO complied with;
2. Advising victims of their right to apply for an IPO; and
3. Service of IPOs and summonses.

Sections 30 and 31 of the bill would provide that a verdict of guilty or plea of guilty to a charge of stalking, or conviction for rape, sodomy, or sexual abuse, shall operate as an application for an IPO under KRS Chapter 456. Section 37 of the bill would amend KRS 237.110 so that persons against whom an IPO is issued would not qualify for a concealed carry firearm license.

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

The fiscal impact of HB 8 GA on local government will be minimal to moderate.

The Kentucky Association of Chiefs of Police (KACP) states that HB 8 GA would have minimal impact on costs of local law enforcement, since local law enforcement generally respond to all acts of violence anyway, and the bill would provide an additional tool to law enforcement. While 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, 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.

It is not possible to quantify the number of additional IPOs that would be issued as a result of the bill; however, increased issuance could mean increased violations. Violation of an IPO would be a contempt of court or a Class A misdemeanor. A person held in contempt usually serves a brief jail sentence while a person convicted of a Class A misdemeanor may be incarcerated up to one year. Local jails are responsible for costs of incarceration of those held in contempt and misdemeanants, both those convicted and those charged who can't make bail. Each additional misdemeanor costs the local jail an estimated average of \$31.34 per day.

Section 37 of the bill could have some minimal impact on local governments as, under KRS 237.110(13)(c), the Commissioner of the KSP may order any peace officer to seize a revoked license, or order the licensee 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 IPO to victims of dating violence or abuse, sexual assault, or stalking, but it should be expected that there would be some increase. KACP reports that this would require minimal additional effort by local law enforcement as licenses so revoked are usually turned in voluntarily.

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 GA.

The Kentucky Association of Counties believes the bill would have a moderate fiscal impact on its members.

Data Source(s): Kentucky Association of Chiefs of Police, Kentucky Association of Counties, LRC staff

Preparer: Mary Stephens **Reviewer:** MCY **Date:** 2/18/15