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

Part I: Measure Information

Bill Request #: 60
Bill #: HB 8 SCS
Bill Subject/Title: AN ACT relating to interpersonal protective orders
Sponsor: Representative John Tilley
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 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 as each member of an unmarried couple with 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 GA would establish a new KRS Chapter 456 and create sections thereof that mirror the current domestic violence statutes but extend their protections, including the right to petition for a protective order, to victims of dating violence and abuse, sexual assault, and stalking. All such orders would be known as "interpersonal protective orders (IPOs)" under the bill. HB 8 GA would amend various related statutes so that their provisions that currently apply to domestic violence orders and proceedings would apply to all IPOs and proceedings. Law enforcement responsibilities regarding IPOs issued for dating violence and abuse, sexual assault, or stalking would be largely the same as for domestic violence protection orders.

HB 8 GA would amend KRS 237.110 so that persons against whom an IPO is issued would not

qualify for a concealed carry firearm license.

Under HB 8 SCS the current domestic violence statutes would be repealed and reenacted. KRS 403.715 to 403.785 would continue to address domestic violence and abuse and would be amended to include stalking in the definition of domestic violence and abuse. HB 8 SCS, like HB 8 GA, would create a new KRS Chapter 456; however, under HB SCS Chapter 456 would apply to dating violence and abuse only. HB 8 SCS would retain the majority of the substantive provisions of HB 8 GA to extend the protections of a protective order ("interpersonal protective order") to victims of dating violence and abuse, sexual assault, and stalking. Unlike HB 8 GA, HB 8 SCS would not require persons against whom a dating violence protective order has been issued to surrender their firearms.

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

The fiscal impact of HB 8 SCS on local government would be unchanged and would be minimal to moderate.

HB 8 SCS would have minimal impact on costs of local law enforcement, since local law enforcement generally respond to all acts of violence anyway. While expanding the right to petition for a protective order to additional populations of victims may result in increased calls to law enforcement, 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.

The number of additional IPOs that could be issued as a result of the bill is unquantifiable; 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 misdemeanant costs the local jail an estimated average of \$31.34 per day.

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 SCS.

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:** 3/4/15