

SB 85 GA builds on KRS 17.500 to 17.580 by permitting the sentencing court to issue a restraining order that prevents the person convicted of a sex crime from contacting the victim and by establishing a Class A misdemeanor for a violation of a restraining order.

The Kentucky Commonwealth's Attorney's Association concludes that passage of SB 85 GA will lead to a minimal increase in Class A misdemeanor prosecutions and convictions. The Association notes that a Commonwealth's Attorney may elect to prosecute someone who violates a sex offender restraining order under KRS 524.055 rather than under the provisions of SB 85. KRS 524.055 establishes the Class D felony of retaliating against a participant in the legal process.

A person convicted of a Class A misdemeanor may be incarcerated for up to one year. Misdemeanants are housed in one of Kentucky's 78 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.34 per day.

Data Source(s): Kentucky Commonwealth's Attorney's Association; Dept. of Corrections; Administrative Office of the Courts

Preparer: Daniel Carter **Reviewer:** MCY **Date:** 3/2/15