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

## **Part I: Measure Information**

<b>Bill Request #:</b> 1235
Bill #: SB 85 GA
Bill Subject/Title: AN ACT relating to victims of sex offenses.
Sponsor: Senator Alvarado
Unit of Government:XCityXCountyXUrban-CountyXCharter CountyXConsolidated LocalXGovernment
Office(s) Impacted: Local jails; Local Governments
Requirement: X Mandatory Optional
Effect on Powers & Duties: Modifies Existing _X Adds New Eliminates Existing

## Part II: Purpose and Mechanics

SB 85 creates a new section of KRS Chapter 510 to permit the sentencing court to issue a restraining order, lasting no more than ten years, that prevents the person convicted of a sex crime from contacting the victim. A violation of a restraining order shall be a Class A misdemeanor. The restraining order and the rescission of the restraining order shall be entered into the Law Information Network of Kentucky (LINK).

The GA version of the bill adds the word "knowingly" to subsection (4)(b), prohibiting the defendant from "knowingly" making contact of any kind with the victim or others that would cause alarm, annoyance, intimidation or harassment.

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

### The fiscal impact of SB 85 GA on local governments is expected to be minimal.

In Kentucky, numerous sex offenders are required to register pursuant to KRS 17.500 to 17.580. According to the Administrative Office of the Courts, during the last five years there were the following convictions by year for a violation of KRS 17.500 to 17.580: 187 (2009), 175 (2010), 226 (2011), 192 (2012), and 202 (2013).

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;				
	Adminstrative Office of the Courts				

<b>Preparer:</b>	Daniel Carter	<b>Reviewer:</b>	MCY	Date:	3/2/15
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