Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2016 Regular Session

Part I: Measure Information

Bill Request #: 933 R2		
Bill #: HB 257		
Bill Subject/Title:	AN ACT relating to the human rights of unborn children and declaring an emergency	
Sponsor: Representative Addia Wuchner		
Unit of Government:	X City X County	X Urban-County Unified Local
	X Charter County X Consolidated Local	
Office(s) Impacted: Police, sheriff, county attorney, commonwealth attorney		
Requirement: X Mandatory Optional		
Effect on Powers & Duties:	Modifies Existing Adds New Elin	ninates Existing
Part II: Purpose and Mechanics		
The number of IID 257 is to establish additional controls on the methods that may be		

The purpose of HB 257 is to establish additional controls on the methods that may be used to perform abortions, to prevent abortions after the twentieth week after fertilization except in an emergency, and to establish that aborted remains shall be treated with respect and dignity. HB 257 would amend KRS 311.770 to prohibit an abortion being performed that will result in the dismemberment, crushing, or vivisection of the unborn child; amend KRS 311.780 to prohibit abortion after 20 weeks of fetal development; create a new section of KRS Chapter 311 to regulate the classification of the remains of an aborted child or deceased infant; amend KRS 525.120 to classify placement of aborted remains or a deceased infant in a Kentucky landfill as abuse of a corpse; amend KRS 216B.0431 to include additional requirements relating to the disposition of remains in regulations governing abortion facilities, and would amend KRS 311.990 to establish that violation of KRS 311.770 **KRS** 311.780 is felony. or a Class

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

The fiscal impact of HB 257 on local governments would be minimal.

The number of violators of HB 257 should not be large, so its passage would result in minimal increase in work load for local law enforcement and minimal increase in incarceration rates and costs for local jails. The greatest fiscal impact of the bill would be local prosecutors' increased costs, which may be significant, due to the necessity of medical expert witnesses for cases that go to trial. Such expert testimony may cost \$3000-5000 per trial. Since commonwealth's attorneys prosecute felonies any increased costs would fall more on their offices than on county attorneys, who prosecute misdemeanors.

When a court denies bail to a Class C felony defendant the local government is responsible for incarcerating the defendant until disposition of the case 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. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 18 months or less to their minimum expiration date or parole eligibility date. The Department of Corrections pays local jails \$31.34 per day to house these Class C felons. Since the per diem pays for the estimated average cost of housing a Class C felon, the per diem may be less than, equal to, or greater than the actual housing cost.

Data Source(s): LRC staff, Kentucky County Attorneys' Association

Preparer: Mary Stephens **Reviewer:** JWN **Date:** 1/26/16