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

Part I: Measure Information

Bill Request #: 1179 R1
Bill #: SB 282
Bill Subject/Title: AN ACT relating to interpersonal violence.
Sponsor: Senator Chris C. Girdler
Unit of Government: X City X County X Urban-County Unified Local X Charter County X Consolidated Local X Government
Office(s) Impacted: Jails
Requirement: X Mandatory Optional
Effect on Powers & Duties: Modifies ExistingX Adds New Eliminates Existing

Part II: Purpose and Mechanics

Currently, KRS 431.064 requires that when considering a person for pretrial release who is arrested for a violation of KRS Chapter 508-Assault and Related Offenses or KRS Chapter 510-Sexual Offenses, or charged with a crime involving a violation of a protective order issued pursuant to KRS 403.720 (domestic violence) or pursuant to 456.010 (dating violence), the court or agency having authority to make that decision shall review the facts of the arrest and detention of the person and **need only** determine whether the person is a threat to the alleged victim or other family or household member and is reasonably likely to appear in court.

SB 282 expands the criteria required to be considered regarding the pre-trial release of a person arrested for the above violations to include if the arrested person is a threat to another person who is:

- a family member as defined in KRS 403.720;
- a member of an unmarried couple as defined in KRS 403.720 with the arrested person;
- in a dating relationship as defined in KRS 456.010 with the arrested person; or

- a victim of sexual assault as defined in KRS 456.010 and the arrested person is alleged to be the victim's assailant.

SB 282 further requires that the arrested person shall not be released from custody until at least twelve (12) hours have expired from the time of the person's arrest.

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

The impact of SB 282 on local governments, particularly jails, is expected to be minimal.

Requiring custody of an arrested person for a period of 12 hours subsequent to a determination of threat, and the issuing of related court protective orders, will result in a small increase in the number of arrested persons being jailed overnight, or for one day, or a portion of one day. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.92 per day. A day is considered midnight to midnight, and a portion of a day counts as a full day.

Data Source(s): <u>Kentucky Association of Chiefs of Police; Kentucky Jailers Association;</u>

Kentucky Sheriffs Association; LRC staff; Department of Corrections;

Franklin Co. Regional Jail

Preparer: Wendell F. Butler **Reviewer:** JWN **Date:** 3/13/16