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

Part I: Measure Information

Bill Request #: 26	
Bill #: SB 55	
Bill Subject/Title: A	N ACT relating to arrest-related deaths.
Sponsor: Senator Reg	ginald Thomas
Unit of Government:	X City X County Y Urban-County Unified Local
_	X Charter County X Consolidated Local X Government
Office(s) Impacted:	Coroners
Requirement: X 1	Mandatory Optional
Effect on Powers & Duties: X	Modifies Existing X Adds New Eliminates Existing

Part II: Purpose and Mechanics

SB 55 amends KRS 72.025 by expanding the requirements for post-mortem examinations to include persons in the process of being arrested or en route to be incarcerated. It also creates a new section of Chapter 72 to require the coroner or medical examiner to provide notice of death to the Office of the Kentucky State Medical Examiner. This notice shall include at a minimum the following:

- (a) The name, gender, race, ethnicity, and age of the deceased;
- (b) The date, time, and location of death;
- (c) The law enforcement agency that had custody, detained, arrested, or was in the process of arresting the deceased; and
- (d) A description of the circumstances surrounding the death.

Additionally, after receiving the notice, the Office of the Kentucky State Medical Examiner shall publish on its Web site an annual public report to the secretary of the Justice and Public Safety Cabinet related to arrest-related deaths (ARDs) on a county-by-county, statewide, and agency basis including gender, race, and ethnicity of decedents.

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

Currently, most jurisdictions have policies in place regarding any suspicious deaths. Those policies dictate a post-mortem examination and a report filed with the Office of State Medical Examiner. SB 55 would make such procedures statutory. KRS 72.025 currently requires post-mortem exams when death occurs under specific conditions including homicide or violence.

The impact will be dependent on the number of ARDs within a specific jurisdiction. The statistics below reflect that between 2003 and 2009, no more than 7 jurisdictions per year had ARDs, and those jurisdictions averaged less than 2 ARDs. If the coroner hires an examiner to perform the post-mortem examination, the cost on average is less than \$5,000 and is dependent on how detailed an examination is required 1-2. If the coroner or State Medical Examiner performs the post-mortem exam, then the majority of the cost will be absorbed in house.

The following Kentucky statistics were derived from Bureau of Justice data: 2003-2009³:

Number of reported ARDs in Kentucky, 2003-2009: 38

Number resulting from homicide: 26

Number resulting from non-homicidal causes: 12 (suicide, intoxication, accident, natural causes)

	2003	2004	2005	2006	2007	2008	2009
Number of							
arresting agencies							
with at least one							
reported arrest-							
related death, by							
jurisdiction:	3	1	4	2	4	6	7
Number of							
reported arrest-							
related deaths, by							
jurisdiction:	3	2	4	2	6	9	12
Average arrest-							
related deaths per							
agency, by							
jurisdiction:	1	2	1	1	1.5	1.5	1.7

Data Source(s): 1. usaforensics.com

2. www.americanautopsy.com

3. Bureau of Justice, November 2011, Arrest-Related Deaths, 2003-2009

Statistical Tables.

General References: Franklin County, Kentucky Coroner's Office and

Franklin County, Kentucky Sheriff's Office

Preparer: Wendell F. Butler **Reviewer:** JWN **Date:** 12/16/15