Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2017 Regular Session

Part I: Measure Information

Bill Request #: 147	
Bill #: HB 38 GA	
Bill Subject/Title: An ACT relating to sex offender registrants.	
Sponsor: _ Rep. Kim King	
Unit of Government:xCityxCountyxUrban-CountyxCharter CountyxConsolidated LocalxGovernment	
Office(s) Impacted: Law enforcement, county attorneys; county jails	
Requirement: <u>x</u> Mandatory Optional	
Effect on Powers & Duties: <u>x</u> Modifies Existing Adds New Eliminates Existing	

Part II: Purpose and Mechanics

HB 38 is identical to HB 44 of 2016. It amends certain requirements relating to registered sex offenders. Specifically, HB 38 amends KRS 17.545(2) to prohibit registered sex offenders from publicly owned playgrounds without advance written permission from the playground's owner or managing authority. Pursuant to KRS 17.990(4), anyone who violates KRS 17.545(2) is guilty of a Class A misdemeanor.

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

The fiscal impact of HB 38 is expected to be minimal. The term "publicly owned playgrounds" isn't defined in the bill, or specifically the "clearly defined grounds" of them. A number of county and city parks have playgrounds that are often not the only component of the park. While they often have a defined area containing woodchips or other soft surface, they often include benches, shelters, or other structures adjacent to, and meant to be used in concert with the playground. The bill will likely require cities and counties with public playgrounds to create an administrative process to handle requests from registered sex offenders to be on the city's playground(s). This could include creating applications to request permission, a review process, a notification

process, licensing/documentation, and possibly an appeals process. As a result, we expect this bill would have a minimal administrative cost on city governments.

A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 76 full service jails or five life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. 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 Sheriffs Association, Kentucky Association of Chiefs of Police;
	Kentucky Jailers Association; Administrative Office of the Courts;
	Kentucky League of Cities; Kentucky Association of Counties.

Preparer:H. MarksReviewer:KCDate:2/13/17