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

Part I: Measure Information

Bill Request #: 67	
Bill #: HB 92	
Bill Subject/Title:	AN ACT relating to juvenile responsibility.
Sponsor: Representative Darryl T. Owens	
Unit of Government:	City County Urban-County Charter County Consolidated Local Government
Office(s) Impacted:	
Requirement:	Mandatory Optional
Effect on Powers & Duties:	Modifies Existing Adds New Eliminates Existing
Part II: Purpose and Mechanics	

HB 92 provides that a person shall not be charged, adjudicated, diverted, or made the subject of a complaint for an offense committed when the person was less than eleven (11) years of age.

HB 92 expands the definition of "abused or neglected child" to include a child whose parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person exercising custodial control or supervision of the child has continuously or repeatedly fails or refuses to exercise reasonable diligence in the control of a child ten (10) years of age or younger, resulting in conduct by the child which, but for his or her age, would constitute a public offense.

HB 92 expands the definition of "dependent child" to include a child ten (10) years of age or younger who has exhibited conduct which, but for the child's age, would be a public offense and is in need or reasonable control or supervision.

HB 92 clarifies that a child who is accused of committing a firearms or weapons offense under KRS Chapter 527 or a public offense which, if committed by an adult, would be a crime, whether the same as a felony, misdemeanor, or violation, other than an action

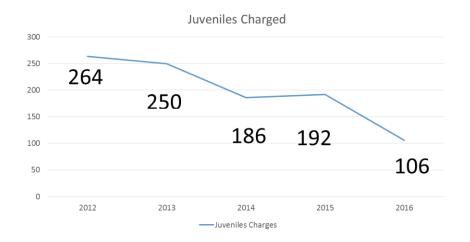
alleging that a child sixteen (16) years of age or older has committed a motor vehicle offense, and for whom a "public offense action", excluding contempt, is brought in the interest of must be eleven (11) years of age or older.

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

It is estimated the fiscal impact of this legislation on local government to be nil to minimal.

Currently children under the age of 11 can be charged with public offenses under the criminal code, though presumably they would be prosecuted as juvenile offenders. When a child is charged with a crime, the criminal activity may be required to be investigated, and the child transported by local law enforcement. Under HB 92, these children would be deemed to be children in need of social services or community based services, and therefore the state would be responsible for the resolution of the issues relating to the children and their family. The Commonwealth would bear the cost of remediation.

Even if there was deemed to be a fiscal impact on local government as a result of the enactment of HB 92, it is believed that that the impact would be minimal given there is a minimal number of children to which this legislation would arguably apply. The Administrative Offices of the Court provided the following chart showing the decline in numbers for youth age ten and under with public offense complaints file.



Data Source(s): LRC Staff, Administrative Office of the Court

Preparer: Wendell F. Butler **Reviewer:** JWN **Date:** 1/30/17