

# CORRECTIONS IMPACT STATEMENT

SESSION: 18RS

BILL #: HB 268

BR #: 1367

DOC ID#: XXXX

**BILL SPONSOR(S):** Rep. J. Jenkins      **AMENDMENT SPONSOR(S):**

**SUBJECT:** AN ACT relating to leave from employment for crime victims.

**SUMMARY OF LEGISLATION:** Amend KRS 337.415, relating to court-ordered appearances by employees, to prohibit employers from discharging or retaliating against an employee who is a crime victim when the employee takes leave to attend proceedings associated with a crime; require an employee to give an employer reasonable notice to take leave when practicable; provide guidelines for use of paid leave; require the employer to maintain confidentiality of records and communication with employee crime victim; create a penalty for failing to maintain confidentiality; define terms.

This  bill  amendment  committee substitute is expected to:

Have the following Corrections impact     Have no Corrections impact

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Creates new crime(s)                   | <input type="checkbox"/> Repeals existing crime(s)               |
| <input type="checkbox"/> Increases penalty for existing crime(s)           | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration                           | <input type="checkbox"/> Decreases incarceration                 |
| <input type="checkbox"/> Reduces inmate/offender services                  | <input type="checkbox"/> Increases inmate/offender services      |
| <input type="checkbox"/> Increases staff time or positions                 | <input type="checkbox"/> Reduces staff time or positions         |
| <input type="checkbox"/> Changes elements of offense for existing crime(s) |  |
| <input type="checkbox"/> Otherwise impacts incarceration (Explain) _____   |  |

**STATE IMPACT:** Class A, B & C felonies are based on an average daily prison rate of \$70.12. Most Class D felons are housed in one of 76 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$31.45 per day (includes jail per diem, medical & central office costs), not including substance abuse treatment. Projections are based on the daily rate x 365 x number of years.

**Projected Impact:**       NONE       MODERATE (< \$1 million)       SIGNIFICANT (> \$1 million)

This legislation prohibits employers from discriminating or retaliating against employees taking leave for court proceedings when they are victims of crimes. The bill provides requirements such as adequate notice and provision of verification documents to the employer.

As used in this bill, the definition of victim would include any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of a crime or an attempted crime.

As the bill speaks specifically to proceedings associated with the prosecution of the crime, the bill would not apply to Parole Board victims' hearings.

**LOCAL IMPACT:** Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until disposition of the case. While the expense varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

**Projected Impact:**       NONE       MODERATE (< \$1 million)       SIGNIFICANT (> \$1 million)

HB 268 creates a misdemeanor penalty for violation of employee confidentiality related to a victim's leave from work to attend legal proceedings. Violation of the confidentiality clause would be a Class B misdemeanor for a first offense and a Class A misdemeanor for subsequent offenses.

It is not possible to estimate the number of additional offenses this legislation would create, however, it is not likely to be significant. Further, the impact on incarceration at the county level as a result of this legislation is not expected to be substantial.

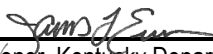
A Class A misdemeanor is 90 days to 1 year in jail	10 Class A misdemeanants: \$28,206 to \$114,391
1 Class A misdemeanant: \$2,821 to \$11,439	100 Class A misdemeanants: \$282,060 to \$1,143,910
A Class B misdemeanor is up to 90 days in jail.	10 Class B misdemeanants: up to \$28,206
1 Class B misdemeanant: up to \$2,821	100 Class B misdemeanants: up to \$282,060

**The following offices contributed to this Corrections Impact Statement:**

Dept. of Corrections    Dept. of Kentucky State Police    Administrative Office of the Courts    Parole Board    Other

**NOTE: Consideration should be given to the cumulative impact of all bills that increase the felon population or that impose new obligations on state or local governments. The Department of Corrections and local jails continue to operate over capacity. Without steps to reduce the population, any legislation that increases population or lengthens the term of incarceration will have a significant impact on correctional operations.**

**APPROVED BY:**

  
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Commissioner, Kentucky Department of Corrections

**2/7/2018**  
Date