

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2018 Regular Session**

Part I: Measure Information

Bill Request #: 217

Bill #: HB 70 HCS

Document ID #: 2365

Bill Subject/Title: AN ACT relating to sex offender registrants.

Sponsor: Rep. Joseph Fischer

Unit of Government: City County Urban-County Unified Local
 Charter County Consolidated Local Government

Office(s) Impacted: local law enforcement; jails

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 70 HCS amends KRS 17.546 to prohibit sex offender registrants from knowingly or intentionally using electronic communications for the purpose of soliciting, contacting, communicating with, or gathering information about a person less than 18 years of age. It makes doing so a Class A misdemeanor. The Act provides for an exception for a registrant using electronic communications to contact, communicate with, or gather information about his or her minor child if not otherwise prohibited, and if permitted by the sentencing court.

The impact on local law enforcement and jails will be minimal. HB 70 HCS creates and defines a new Class A misdemeanor crime. Class A misdemeanor incarceration costs are borne by local jails.

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 four 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.

HB 70 HCS amends KRS 17.500 and KRS 17.510 by removing the requirement that the registrant provide or update his or her electronic mail address and any instant messaging, chat, or other Internet communication name identities. The Justice and Public Safety Cabinet would also not be required to verify the electronic mail address and any instant messaging, chat, or other Internet communication name identities.

Violation of the provisions within these statutes is a Class D felony for the first offense and Class C felony for each subsequent offense. By removing the requirement to provide or update his or her electronic mail address or other Internet communication name identities, there could be a minimal decrease in convictions of Class D or Class C felony offenses. However, registrants are still required to provide name, Social Security number, age, race, sex, date of birth, height, weight, hair and eye color, fingerprints, DNA sample, a photograph, aliases used, residence, a brief description of the crime or crimes committed, and other information the Justice and Public Safety Cabinet determines.

HB 70 HCS removes the provision to provide or update a registrant's electronic mail address or other Internet communication name identities which could provide a decrease in offenders convicted of a Class D or C felony offense. Costs for Class D felony and some Class C felony incarcerations are reimbursed to local jails by the state, so local governments could lose some income. The reimbursement rate is \$31.34 per day which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders.

Part III: Differences to Local Government Mandate Statement from Prior Versions

The LM statement to HB 70 HCS removes the requirement from HB 70 as introduced to require a registrant provide written notice of all phone numbers, electronic mail addresses, and usernames used by a registrant to electronically communicate with a person less than 18 years of age. Violation of this provision in HB 70 as introduced was classified as a Class D felony for the first offense and a Class C felony for subsequent offenses. The removal of this provision changes the impact to local governments by decreasing the possibility of convicted offenders from being housed in local jails, which are reimbursed \$31.34 per day by the Department of Corrections.

Data Source(s): Kentucky Sheriffs Association; Kentucky Association of Chiefs of Police; Kentucky Jailers Association.

Preparer: H. Marks **Reviewer:** KHC **Date:** 1/18/18