

pregnancy. Where a party has reached 17 years of age **Section 4** would prohibit issuance of a marriage license unless the 17 year old has received a court order granting them permission to marry and at least 15 days have passed since the order was entered.

Section 7 of the bill would establish the procedures for obtaining the court order, including the contents of the petition that must be filed. **Section 7** would also require an affidavit of consent by the parent or person with custodial charge of the petitioner be filed with the petition. **Section 7** would require the court hold an evidentiary hearing on the petition and would oblige the court to grant the petition for permission to marry unless certain facts are established, for example, an age difference between the parties of more than 4 years, an intended spouse who is in a position of authority or of special trust relative to the minor or who has a record history of domestic violence, and other facts. The bill would authorize the court to set a maximum fee of \$20 to file a petition for permission to marry.

The fiscal impact of SB 48 GA on local governments would depend on how many petitions for permission to marry would be filed in the local district court, and the size of the local sheriff's office. In FY 2017 there were only 22 petitions for permission to marry filed in district courts in 19 Kentucky counties, presumably by 16 year old pregnant girls. Under SB 48 marriage of 16 year olds would be prohibited so there would be no petitions filed by 16 year olds. At \$5 per petition the revenue from these filings is negligible and its loss of no consequence to local governments. In the years 2015 and 2016 there were, respectively, 179 and 172 marriage certificates received by the Kentucky Office of Vital Statistics where either one or both parties were 17 years old. Under SB 48 GA each of these marriage certificates would have been preceded by required filing of a petition by the 17 year old for permission to marry and payment of the \$20 filing fee, which would have generated a total of \$3580 in 2015 (179 petitions x \$20) and of \$3440 in 2016 (172 petitions x \$20); divided by 19 counties this sum would result in approximately \$188.42 to each of the 19 counties in 2015 and \$181.05 to each of them in 2016.

The required evidentiary hearing on each petition could be a minimal to moderate expense to the local sheriff's office that must provide security at court proceedings. KRS 64.092 (6) provides that the Commonwealth shall compensate sheriffs or other law enforcement personnel at \$8 an hour for providing services to a Circuit or District Court. Sheriff's offices also receive disbursements from the court costs distribution fund provided for in KRS 42.320(2)(i), to help defray the cost of providing security services to the court and related activities. That statute provides that 10.1% of each court cost deposited in the court costs distribution fund, up to \$5,050,000, shall be paid to the county sheriff in the county where the court cost was paid. The 2015 Comprehensive Survey Final Report issued by the Kentucky Department of Criminal Justice Training reported that the average Kentucky sheriff's office entry level salary in 2014 was \$28,435.59. The salaries ranged from \$17,000 to \$48,000. Seventy-two of 76 sheriff's offices reported they employ certified court security officers (CCSO's) to provide courthouse security, the majority of which are part-time positions. The average salary for CCSO's was reported at \$19,483.20, although it is not known whether that represents the average part-time or full-time salary. Reported salary figures do not include benefits payable to or on behalf of personnel. If sheriffs must hire additional court security personnel to comply with SB 48 GA and the \$8 an hour from the Commonwealth plus the court costs distribution fund disbursements do not defray the entire costs of the new personnel, the

local fiscal court **may** vote to cover the excess costs. Whether the fiscal impact is a minimal one or a moderate one would depend on the size of the sheriff's office and the size of the tax base in the area served. The financial burden of hiring additional court security personnel would fall heavier on small sheriffs' offices such as in Carlisle County, with 2 full-time sworn officers serving a population of 5,104, as compared to the large sheriff's offices. The Jefferson County Sheriff's Department, for example, employs 247 full-time sworn officers serving a population of 741,096. Local governments also are obligated to pay some related costs. For example, fiscal courts are responsible for providing uniforms, office space, and records maintenance space for the county sheriff's office.

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

The local mandate statement for SB 48 GA is the same as for SB 48 SCS 1. The Senate also passed SFA 1 to the bill; SFA 1 is a technical amendment requiring no change in the local mandate statement.

SB 48 SCS 1 is changed from the bill as introduced by removing the requirement that an attorney or guardian ad litem be appointed for the 17 year old and instead would require that an affidavit of consent be filed by the parent or person with custodial charge of the petitioner. Since these costs are not borne by the local jurisdiction anyway, this change from the original bill does not change the fiscal impact of the bill on local governments.

Data Source(s): Administrative Office of the Courts; Kentucky Sheriff's Association

Preparer: Mary Stephens **Reviewer:** _____ **Date:** _____