Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 184	
Bill #: HB 101	
Document ID #:	
Bill Subject/Title: AN ACT relating to child abuse and declaring an emergency.	
Sponsor: Representative Lynn Bechler	
Unit of Government: x City x County x Urban-County Unified Local	
x Charter County x Consolidated Local x Government	
Office(s) Impacted: Local law enforcement and jails	
Requirement:x _ 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

The fiscal impact of HB 101 is indeterminate and minimal. There will be some increase in misdemeanor and felony investigations, arrests and incarcerations as a consequence of the following:

KRS 500.050 is amended to **remove statute of limitations provisions** and to define "misdemeanor sex offense". The bill amends KRS 413.249 to define "childhood sexual assault **or abuse**" and **removes all statute of limitations provisions**, and **amends KRS 620.030 and to make all violations of the provisions of KRS 620.030 felonies, and to remove clergy penitent as grounds for not reporting dependent, neglected or abused children.**

A new section of KRS 510 is created to define "childhood sexual assault or abuse" and "sexual endangerment", and to **make violations of its provisions a Class D felony**. A new section of KRS 15 is created to define "childhood sexual assault or abuse" and provides for procedures relating to special grand juries to investigate related misdemeanor

and felony violations, including requests by the Attorney General for local law enforcement assistance in grand jury investigations.

Costs relating to local jail misdemeanor and felony incarcerations are identified below:

Class B and Class A misdemeanors:

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. 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.

Class D felons:

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When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 76 full service jails or four life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

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

The Part II section above pertains to the bill as drafted and there are not any prior versions of the bill to complete the Part III section.

Data Source(s):	Kentucky Department of Corrections; Kentucky Jailers Association;
	Kentucky sheriffs Association; Kentucky Association of Chiefs of Police

Reviewer: KHC

Date: