Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 498									
Bill #: HB 264									
Document ID #: 949									
Bill Subject/Title:	AN ACT relating to the establishment of the External Dewtainee Fatality Review Panel								
Sponsor: Representative Lisa Wilner									
Unit of Government:	XCityXCountyXUrban-CountyXCharter CountyXConsolidated LocalXGovernment								
Office(s) Impacted: Jails / Detention Centers									
Requirement: X Mandatory Optional									
Effect on Powers & Duties:	Modifies Existing X Adds New Eliminates Existing								

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

HB 264 creates the External Detainee Fatality Review Panel (hereafter referred to as the Panel) for the purpose of conducting comprehensive reviews of all fatalities of individuals who were detained in county jails or regional detention centers, any facility operated by the Department of Corrections, any facility operated by the Department of Juvenile Justice, or any facility operated by a private entity contracted with either of these Departments at the time of death or at the time medical assistance was sought for a condition that led to the individual's death. The scope of this impact will be local governments and county jails.

The fiscal impact of HB 264 on local governments is expected to be nil to moderate, and dependent on whether or not a detainee death occurred in the local jail.

The Bureau of Justice Statistics, a federal agency, provided the following data regarding the number of local jail deaths for Kentucky, 2000-2013. As of the date of this fiscal impact, this is the most current data available.

Number of Local Jail Deaths										
Year	Deaths	Year	Deaths	Year	Deaths	Year	Deaths			
2000	16	2004	16	2008	22	2012	21			
2001	13	2005	22	2009	18	2013	13			
2002	12	2006	21	2010	21					
2003	14	2007	25	2011	16					

Creation of this Panel would be a state-level expense. However, local governments could incur costs related to the submission of the information required by HB 264 to the Panel.

This would include:

- All records or documentation regarding the deceased detainee at the time of booking, during detention, at the time of the incident leading to the fatality and subsequent to the incident;
- All records of services provided the detainee by the county jail or regional detention center;
- All documentation relating to any investigation of the fatality;
- All documentation of actions taken as a result of the fatality;
- All information related to first responders including emergency medical service, fire department, law enforcement, and coroner;
- All medical and behavioral services provided to the deceased detainee including hospitalization and emergency treatment, dental records, specialist records, and autopsy reports;
- All photographs of injuries sustained by the deceased detainee during detention in the county jail or regional detention center;
- All notes and records of all local law enforcement officers who detained or had physical contact with the deceased detainee.

Expenses related to the collecting, organizing, copying, and submitting of the required information and record copies may be a cost hardship depending on the size of the local agency, number of employees, and operating budget. Additionally, the local government may incur cost associated with a local employee who might be called before the Panel as part of the review process including cost related to covering those job responsibilities during the employee's absence.

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

Part II refers to HB 264 as introduced. There are no prior versions of this proposal.

Data Sourc	:e(s):	LRC Staff, Bur	eau of Justice Sta	atistics / U.S	. Department of Just	<u>ice.</u>
Preparer:	Wende	ell F. Butler	Reviewer:	KHC	Date:	2/7/19