Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 142	<u>. </u>							
Bill #: HB 42								
Document ID #: 21	4							
Bill Subject/Title: AN ACT relating to leave from employment for crime victims.								
Sponsor: Representative Joni Jenkins								
Unit of Government:	X City X County X Urban-County Unified Local							
Office(s) Impacted:	X Charter County X Consolidated Local X Government all offices with employees; jails; law enforcement							
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

HB 42 would amend KRS 337.415 to prohibit an employer from taking adverse employment action against an employee who is a victim of a crime if that employee takes leave from work to attend court or other proceedings associated with the prosecution of the crime. In addition to the directly impacted crime victim, the bill would define "victim" to include immediate family of a minor or incompetent victim, and the immediate family of a homicide victim. The bill would require an employee give reasonable prior notice to an employer by providing a copy of the notice from the court or agency to the employee-victim scheduling a hearing, conference or meeting. An employer would be required to maintain confidentiality of any verbal communication, written document, or record from an employee relative to the employee's request for leave under KRS 337.415. Any person who failed to maintain confidentiality would be guilty of a Class B misdemeanor for the first offense and of a Class A misdemeanor for each subsequent offense.

The local government employer may need to arrange coverage of the employee-victim's job duties with temporary help or by re-assigning other employees. The fiscal impact on

local governments of accommodating employees to attend court proceedings as victims is indeterminable but likely to be minimal to moderate, depending on the nature of the court proceedings and on the number of employees in the affected workplace.

Local governments would be responsible for incarcerating individuals charged with violating the provisions of HB 42. Individuals convicted of a Class B misdemeanor or a Class A misdemeanor can be incarcerated respectively for up to 90 days or one year in one of Kentucky's local jails. While the expense of housing inmates varies by jail, each additional inmate will increase facility costs by an estimated average of \$31.34 per day.

The number of cases constituting a crime under HB 42 would be expected to be small. Therefore, the **cost borne by local governments would be minimal**.

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	$\operatorname{ce}(\mathbf{s})$: LRC staff; Depa	rtment of Corre	ections		
Preparer:	Mary Stephens	Reviewer:	KHC	Date:	12/28/18