## Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

**Part I: Measure Information** 

Bill Request #: 317			
Bill #: HB 122			
Document ID #: 572			
Bill Subject/Title:	AN ACT relating to leav	ve from employment for cr	rime victims
Sponsor: Representative Joni L. Jenkins			
Unit of Government:		X Consolidated Local	Unified Local
Office(s) Impacted: all offices with employees; jails; law enforcement			
Requirement: X Mandatory Optional			
Effect on Powers & Duties:	X Modifies Existing	X Adds New E	liminates Existing

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

Under current law KRS 337.415 prohibits an employer (including a local government employer) discharging an employee who is a victim of a crime and who takes leave to attend a mandatory court or other proceeding associated with the prosecution of the crime.

HB 122 would amend KRS 337.415 to also prohibit an employer discriminating or retaliating against an employee crime victim who takes leave to attend court or other legal or investigative proceeding associated with prosecution of the crime. In addition to the directly impacted crime victim, the bill would define "victim" for whom the employee may take leave 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 or employee-immediate family member 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.

HB 122 would classify failure to maintain confidentiality a Class B misdemeanor for the first offense and a Class A misdemeanor for each subsequent offense. Local governments are responsible for incarcerating individuals charged with a Class A or Class B misdemeanor. 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 122 would be expected to be small. Therefore, the cost borne by local governments would be minimal. One local government employer found guilty of violating confidentiality one time could cost the local jail approximately \$2,820.60 if sentenced to and serving the entire 90 days in jail.

Employers may incur expense of hiring a temporary worker or of paying overtime to another employee to perform the duties of the absent employee. This expense would be expected to be minimal.

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

Part II pertains to the bill as introduced.

**Data Source(s):** LRC staff; Kentucky Department of Corrections

**Preparer:** Mary Stephens **Reviewer:** KHC **Date:** 1/13/20