Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: 1285
Bill #: HB 265
Document ID #: 2762
Bill Subject/Title: AN ACT relating to the reporting of child abuse.
Sponsor: Representative Susan Westrom
Unit of Government: x City x County x Urban-County
Office(s) Impacted: local law enforcement and jails
Requirement: <u>x</u> 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 265 will be nil to minimal. The bill modifies the elements of the crime relating to not reporting child abuse by amending statutes relating to the requirement to report child abuse by limiting the clergy-penitent exemption. Conceivably, the bill could result in a small increase in charges and incarcerations. The costs associated with misdemeanor and Class D felony incarcerations are described 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 77 full service jails or three 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:

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 77 full service jails or three 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

Part II, above, pertains to the bill as introduced.

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

Association; Kentucky Association of Chiefs of Police

Preparer: H. Marks Reviewer: KHC Date: 1/16/20