

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

Part I: Measure Information

Bill Request #: 143

Bill #: HB 47 HCS

Document ID #: 7148

Bill Subject/Title: AN ACT relating to child abuse and declaring an emergency.

Sponsor: Jason Petrie

Unit of Government: City County Urban-County
Unified Local
 Charter County Consolidated Local Government

Office(s) Impacted: Local jails

Requirement: 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 47 HCS amends KRS 500.050 to extend the criminal statute of limitations for “misdemeanor sex offenses” (as defined) against minors from 5 to 10 years after the victim attains the age of eighteen years. It amends KRS 413.249 to define “Childhood sexual assault or abuse” and amends KRS 413.249 relating to civil actions arising from childhood sexual assault or abuse to apply to direct perpetrators as well as third-party individuals or corporate entities who may be criminally liable for the criminal act of those perpetrators. HB 47 HCS specifies that the amendments enacted in 2017 Ky. Acts ch. 114, sec. 2 shall be applied retroactively to actions accruing before that Act's effective date of June 29, 2017.

The fiscal impact of HB 47 HCS is indeterminate and minimal to perhaps moderate. There will be an indeterminate increase in both felony and misdemeanor criminal litigations and incarcerations relating to “childhood sexual assault or abuse” offenses. Below is a description of costs related to misdemeanor and felony incarcerations.

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

The impact of HB 47 HCS is the same as for HB 47. The extensions of “statute of limitation” provisions from 5 to 10 years will increase both misdemeanor and felony convictions and incarcerations.

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

Preparer: H. Marks **Reviewer:** KHC **Date:** 3/12/20