Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: 1394
Bill #: HB 480
Document ID #: 5376
Bill Subject/Title: AN ACT relating to parentage and making an appropriation therefor.
Sponsor: Rep. John H. Sims, Jr.
Unit of Government: X City X County Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: County attorney; jails
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing X Adds New Eliminates Existing

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

This bill adopts the Uniform Parentage Act (2017). The Act establishes a court proceeding process to determine parentage. It allows for nonjudicial acknowledgment of paternity and establishes a paternity registry. As relates to the local mandate, the bill:

- establishes a Class B misdemeanor for a person guilty of intentionally releasing information from the registry of paternity to an individual or agency not authorized by the bill to receive it (see Section 32, p. 15). The registry (created in Section 25) allows a man to register and then be entitled to receive notice of and a right to oppose the adoption of his genetic child. Information is confidential (per Section 31) and may be released only to a court, the woman who gave birth, an authorized agency, a child-placing agency, a child-support agency, a party of record in a relevant proceeding, or a registry of paternity in another state; and
- establishes a Class B misdemeanor for a person guilty of intentionally releasing "an identifiable specimen of another individual collected for genetic testing under [the Act] for a purpose not relevant to a proceeding regarding parentage, without a court order or written permission of the individual who furnished the specimen." (Section

51, p. 24-25) The bill allows genetic testing of a person in an adjudicatory proceeding to establish parentage. The testing may be voluntary or ordered by the court or for a child-support agency (Section 41).

The bill establishes a petition procedure to adjudicate parentage.

The fiscal impact is indeterminable to minimal.

County attorneys assist the Cabinet for Health and Family Services with child support and may file petitions to establish paternity. County attorney staff would thus need training on new procedures established under the bill.

It is not possible to determine the number of occasions that a person would (1) illegally release information from the registry of paternity or (2) illegally release "an identifiable specimen" collected for genetic testing, but the number is expected to be very small.

A person convicted of either of these offenses would be subject to imprisonment as a Class B misdemeanant for up to 90 days. 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. A person who serves the full 90 days would result in a cost to the jail of \$2,820.60 (90 x \$31.34).

Sheriffs would be required to serve the petitions to adjudicate parentage and may collect allowable fees. This would be a positive fiscal impact on sheriffs' offices.

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

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

Data Source(s): LRC Staff; Department of Corrections

Preparer: Robert Jenkins **Reviewer:** KHC **Date:** 3/17/20