Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: 2104						
Bill #: HB 523						
Document ID #: 5744						
Bill Subject/Title: AN ACT relating to nonsupport.						
Sponsor: Rep. Terri Branham Clark						
Unit of Government: X City X County M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M M <t< td=""></t<>						
X Charter County X Consolidated Local X Government						
Office(s) Impacted: Jail						
Requirement: X Mandatory Optional						
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing						

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

This bill would require a jailer to grant work release for a person convicted and incarcerated for nonsupport or flagrant nonsupport. The person would be required to pay any work release fee; then, wages would be paid toward the person's outstanding support obligation. This would not apply to a person who had escaped or attempted escape in the previous 5 years, or a person with a maximum or close security classification, or a person convicted of certain serious crimes listed in other statutes, or a person in a reentry center.

The bill will have an indeterminable to minimal negative fiscal impact, and possibly a positive fiscal impact, on local governments. Jails already may have work release procedures. The Scott County Jailer indicated that there are associated administrative costs for data entry, pat downs, strip searches, escorted movements in the jail, accounting and reconciliation of the inmates' fees with their accounts, administering drug/alcohol tests, and random workplace confirmation (by a jail deputy). Costs for each of these areas could increase depending on the number of inmates subject to work release. Nonsupport is a Class A misdemeanor. KRS 439.179 requires a Class A misdemeanor inmate who is participating in work release to pay for the cost of board in the jail (up to 25% of the prisoner's gross daily wages, not to exceed \$40 per day, but not less than \$12 per day). Money collected would be paid to the county treasury for the jail's use. The sentencing court may also order the employer to deduct, among other things, the prisoner's board and transportation costs incurred by the county and support of dependents.

Flagrant nonsupport is a Class D felony. KRS 532.100 requires a Class C or D felony inmate housed in a county jail who participates in work release to pay, if required by the jailer, a fee that is the lesser of \$55 per week or 20% of the prisoner's weekly net pay, for the purpose of reimbursing the jailer for the cost of operating the work release program.

The Administrative Office of the Courts provided statistics on nonsupport and flagrant nonsupport charges from January 1, 2019 through February 5, 2020. There were 700 convictions for nonsupport and 1,036 convictions for flagrant nonsupport for that thirteen month period.

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

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

Data Sourc	ce(s): <u>LRC staff; Ad</u>	Iministrative Offic	e of the Courts	; Scott County Jai	<u>ler</u>
Preparer:	Robert Jenkins	Reviewer:	КНС	Date:	2/28/20