

CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # SB 35 Prefiled BR # 368 DOC ID #: xxxx

BILL SPONSOR(S): Rep. D. Carroll AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to reporting dependency, neglect, or abuse.

SUMMARY OF LEGISLATION: Amend KRS 620.030 to establish that an investigation of child dependency, neglect, or abuse shall not be conducted by school personnel or other persons before a report is made; amend KRS 620.029 to conform; and amend KRS 620.040 to conform and to establish that no investigation of child dependency, neglect, or abuse shall be conducted by school personnel or other persons before the report is made.

AMENDMENT: .

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|---|--|
| <input type="checkbox"/> Creates new crime(s) | <input type="checkbox"/> Repeals existing crime(s) |
| <input type="checkbox"/> Increases penalty for existing crime(s) | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration | <input type="checkbox"/> Decreases incarceration |
| <input type="checkbox"/> Reduces inmate/offender services | <input type="checkbox"/> Increases inmate/offender services |
| <input type="checkbox"/> Increases staff time or positions | <input type="checkbox"/> Reduces staff time or positions |
| <input checked="" type="checkbox"/> Changes elements of offense for existing crime(s) | |
| <input type="checkbox"/> Otherwise impacts incarceration (Explain) . | |
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STATE IMPACT: Class A, B, & C felonies are based on an average daily prison rate of \$75.91. Community Custody Class C and most Class D felons are housed in one of 77 full service jails for up to 5 years. Department of Corrections' cost to incarcerate a felony inmate in a jail is \$36.70 per day, which includes \$31.34 per diem, medical costs, & central office administrative costs (substance abuse treatment not included). *Projections are based on the daily rate x 365 days x number of years. Offenders may have multiple offenses or incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

This legislation modifies KRS 620.030 related to reporting of child abuse, neglect, or dependency.

Modifications under KRS 620.030 require reporting if a person knows or has reasonable cause to believe that a child has been dependent, neglected, or abused. Current statute wording requires reporting if there is knowledge or reasonable cause to believe a child is dependent, neglected, or abused. The Commonwealth's attorney and county attorney are removed from the list of entities to report abuse or neglect to. Wording for the obligation to make the report is changed from promptly reporting to reporting immediately.

A new subsection of statute is added, requiring that the report be made to local law enforcement, the Kentucky State Police, or the Cabinet prior to school personnel, medical personnel, social workers, etc., conducting an investigation.

KRS 620.029 and KRS 620.040 are amended to conform.

Violations of reporting under KRS 620.030 are a Class B misdemeanor for a first offense, a Class A misdemeanor for a second offense, and a Class D felony for each subsequent offense.

AOC records for FY2019 reflect fourteen (14) convictions for Failure to Report Child Depend Neglect or Abuse 1st Offense. There were zero (0) convictions for Failure to Report Child Depend Neglect or Abuse 2nd, 3rd or Subsequent Offense.

Currently the Department of Corrections has one (1) offender on misdemeanor supervision for Failure to Report Child Depend Neglect or Abuse 1st Offense.

