

Any reports previously made to the Commonwealth’s attorneys or county attorneys would now be made to local law enforcement, Kentucky State Police, and the Cabinet for Health and Family Services which might result in an increase of cases initiated in those offices. However, in the majority of cases, this would simply be a change of entry into the system.

The Commonwealth’s Attorney Association said there would be little fiscal impact. Reports would simply be made through other channels. The association would prefer their offices to remain an option for accepting reports. There have been cases in the past where reporting to the Commonwealth’s Attorney was necessary due to who the suspect was. If the reports had gone to local law enforcement or the CHFS, the investigation might have been ceased.

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. The expanded reporting requirements may generate additional convictions for failure to report child abuse or neglect.

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.

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 refers to the bill as introduced.

Data Source(s): LRC staff; Kentucky Commonwealth’s Attorney Association; Kentucky Department of Corrections

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