Local Government Mandate Statement Kentucky Legislative Research Commission 2021 Regular Session

Part I: Measure Information

Bill Request #: 1266
Bill #: _ HB 273 GA
Document ID #: 4515
Bill Subject/Title: AN ACT relating to public records and declaring an emergency.
Sponsor: Representative Chris Freeland
Unit of Government: X City X County X Urban-County Unified Local X Charter County X Consolidated Local X Government
Office(s) Impacted: Law enforcement; all offices that respond to Open Records requests
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

HB 273 GA would exempt "photographs or videos that depict a person's death, killing, rape, or sexual assault of a person" from Kentucky's Open Records Act. The photos or videos would still be made available to any party involved in the incident, his or her immediate family, legal representative, or involved insurance company. An emergency clause would allow the bill to take effect immediately upon becoming law.

The fiscal impact is minimal. A local government responding to an open records request would not be required to produce these records except in limited circumstances, and will save expenses relating to staff time, materials, and reproduction of the records. However, a local government could lose some revenue derived from the "reasonable fee" it may charge under KRS 61.874 for the "actual cost of reproduction." The fee could not include staff time involved with copying. Fees for staff time and certain other costs may be charged for records requested in a nonstandardized format or for a commercial purpose (KRS 61.764).

Examples of typical fees include:

- City of Danville charges 10 cents per page for paper copies, 99 cents for an audio recording, and 99 cents for a DVD;
- City of Louisville charges 10 cents per page for paper copies and \$2 for audio tape or CD, with additional charges for color or nonstandard size copies. The cost for mailing is additional. Louisville may not charge for copies sent via fax;
- City of Henderson charges 10 cents per page for black and white copies and 25 cents per page for color copies. Photographs are 10 cents each for black and white and 25 each for color. A CD or audio tape is \$2 each, which a 16 GB flash drive is \$8 each.

There may be minimal training related to the bill's provisions.

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

Part II, above, pertains to the GA version. The GA version is the same as the bill as introduced. No amendments or substitutes were adopted when the bill passed its chamber of origin.

Data Source(s): LRC Staff; https://www.danvilleky.org/open-records;

https://louisvilleky.gov/sites/default/files/public_works/pdf_files/

standardcopycharges.pdf;

https://www.cityofhendersonky.org/DocumentCenter/View/1214/Open-

Records-Request-Form-wFee-Schedule-92018?bidId=

Preparer: Robert Jenkins **Reviewer:** KHC **Date:** 2/10/21