## Local Government Mandate Statement Kentucky Legislative Research Commission 2021 Regular Session

**Part I: Measure Information** 

Bill Request #: 1405			
Bill #: SB 130			
<b>Document ID #:</b> 3002			
Bill Subject/Title: AN ACT relating to public records and declaring an emergency.			
Sponsor: Senator Danny Carroll			
Unit of Government:	X City	X County	X Urban-County Unified Local
	X Charter County	X Consolidated Local	X Government
Office(s) Impacted:  all that maintain records containing photographs or videos that depict the death, killing, rape, or sexual assault of a person			
Requirement: X	Mandatory Optio	onal	
Effect on Powers & Duties: X	Modifies Existing	Adds New El	iminates Existing

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

SB 130 would amend KRS 61.878 to exempt photographs or videos that depict the death, killing, rape, or sexual assault of a person from disclosure under the Open Records Act. Such materials would remain available to any party involved in the underlying incident, their immediate family, legal representative, or an insurance company involved or their representative.

**SB 130** would have no to minimal direct fiscal impact on local governments. A local government would no longer be required to produce the subject records and therefore would save a minimal amount of money in staff time formerly spent in reproducing the subject records; however, the local government would lose some revenue derived for the "reasonable fee" it may charge under KRS 61.874 for the "actual cost of reproduction" of the records.

Fees for staff time and certain other costs may be charged for records requested in a non-standardized format or for a commercial purpose (KRS 61.764).

As an example of typical fees, the City of Danville charges \$.10 per page for paper copies and \$.99 for an audio recording or DVD. Louisville-Jefferson County Metro Government charges \$.10/ page for 8.5 x 11 black and white photos or \$.25/page for color photographs, and \$2 per audio tape or CD. There are additional charges for non-standard size copies, and for the actual cost of mailing. Louisville-Jefferson County also charges for emailed records.

SB 130 could have an **indeterminable indirect negative fiscal impact** due to an increasing likelihood of litigation regarding applicability or appropriateness of the exemptions to the requirement of disclosure of public records.

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

Part II applies to SB 130 as introduced. There is no prior introduced version for comparison.

Data <u>LRC Staff; https://www.danvilleky.org/open-records;</u>

**Source(s):** <a href="https://default/files/public\_works/pdf\_files/standardcopycharges.pdf">https://default/files/public\_works/pdf\_files/standardcopycharges.pdf</a>

**Preparer:** Mary Stephens **Reviewer:** KHC **Date:** 2/4/21