

Similarly, under KRS 456.180, AOC reported 18 charges in 17 cases and 162 charges in 140 cases in Circuit Court and District Court, respectively, for violation of an interpersonal protective order (IPO).

A case may consist of one or more multiple charges. These totals also include the inchoate offenses such as facilitation, attempt, conspiracy, etc.

Out of the total cases in Circuit and District courts, there were 155 convictions and 2,333 convictions, respectively.

The impact on local jails as a result of HB 488 GA is indeterminable. Specific crime data on domestic violence is currently not available such as the number of repeat offenders. This analysis did not take into account violations of foreign (out of state) EPO/DVO/IPOs, violation of restraining orders, or stalking violations. While these violations may impact the need for a protective order, the data focused on the KRS citations above. Discussion with the Kentucky Coalition Against Domestic Violence confirmed the lack of available data but there is a general sense of repeat offenders.

There are many studies that researched the effectiveness and enforcement activities for protective orders (i.e. EPO, DVO). These studies indicate that many of the women with protective orders, report the first violation but not necessarily subsequent violations. Many, but not all violations of the protective order result in arrests of the perpetrator. These arrests resulted in various outcomes (i.e. convictions, amended charges, charges dropped, charges dismissed, etc.) Subsequent reports of violations, generally resulted in actions other than arrests and convictions. These studies also showed that an offender with prior charges and convictions or who had been incarcerated were more likely to violate a protective order. Stalking violations also increased the occurrence of protective order violations.

Because of the lack of data regarding subsequent violations and reduced arrest and convictions, an estimated prior conviction rate of 10 percent is used solely as a point of reference. Based on this rate of 10 percent, approximately 15 of the Circuit Court cases and 230 of the District Court cases would result in new Class D felons. If over a five-year period and the ten percent of the offenders are two-time offenders remains constant, there could be approximately 1,225 combined new class D felons. The estimated impact could be moderate or higher, based on total new Class D felony convictions.

Class D felons:

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 74 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 average cost to incarcerate of \$35.43, which includes the \$31.34 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 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, above, pertains to the GA version of the bill which remains unchanged from the bill as introduced. The fiscal impact remains unchanged.

Data Source(s): Administrative Office of the Courts, Kentucky Department of Corrections, Kentucky Coalition Against Domestic Violence, The Kentucky Civil Protective Order Study: A Rural and Urban Multiple Perspective Study of Protective Order Violation Consequences, Responses, & Costs, A 10-Year Analysis of Rearrests Among a Cohort of Domestic Violence Offenders, Report-2016 Assessing the Risk of Domestic Violence Recidivism, LRC Staff

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