

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2022 Regular Session**

Part I: Measure Information

Bill Request #: 1942

Bill #: SB 297

Document ID #: 6771

Bill Subject/Title: AN ACT relating to dependency, neglect, and abuse reporting.

Sponsor: Senator Julie Raque Adams

Unit of Government: City County Urban-County
 Unified Local
 Charter County Consolidated Local Government

Office(s) Impacted: Jails, law enforcement

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

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

SB 297 would amend KRS 620.030 to require that any person, including but not limited to a doctor, osteopathic doctor, nurse, teacher, school personnel, social worker, coroner, medical examiner, child-care personnel, resident, intern, chiropractor, dentist, optometrist, emergency medical technician, paramedic, health professional, mental health professional, peace officer, or any organization or agency for any of the foregoing, who knows or has reasonable cause to believe a child is dependent, neglected, or abused, shall immediately:

1. Make an oral report to agencies listed in the statute; and
2. Shall immediately notify the supervisor of the institution, school, facility, agency, or designated agent of the person in charge of the institution, school, etc.

The notified supervisor or designated agent shall facilitate cooperation of the institution, agency, etc. with those investigating the reported dependency, neglect, or abuse. Knowing intimidation, retaliation, or obstruction of investigation of the report would constitute a Class A misdemeanor.

Additionally with the expansion of stipulations within Section 1, outside of the new crime that is created, current law states that any person who intentionally violates the provisions of KRS 620.030, would be guilty of a Class B misdemeanor for the first offense, a Class A misdemeanor for the second offense, and a Class D felony for each subsequent offense.

SB 297 would have a minimal negative fiscal impact on local jails and law enforcement due to codification of a new Class A misdemeanor. From CY 2017 through CY 2021 there was a combined total of 56 convictions for violation of KRS 620.030 for failure to report child dependency, neglect, or abuse, first offense, at the district and circuit court levels. Based on that number, it is not anticipated that there would be many criminal convictions for knowing intimidation, retaliation, or obstruction of an investigation of a report of child dependency, neglect, or abuse. However, each conviction has the potential to increase the number of persons incarcerated in local jails.

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. Conviction for a Class A misdemeanor is subject to a term of incarceration between 90 days and 12 months. Misdemeanants are housed in one of Kentucky's 74 full service jails or three life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on an average cost to incarcerate of \$35.43 per day. While the majority of misdemeanor defendants are granted bail, those who are not will also cost local jails an average of \$35.43 per day. At a cost of \$35.43 per day, the cost to a local jail for each person incarcerated for knowingly interfering, retaliating, or obstructing a report of child dependence, neglect, or abuse would range from \$3,188.70 (\$35.43/day x 90 days) to \$12,754.80 (\$35.43/day x (360 days)).

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 applies to SB 297 as introduced. There is no prior version for comparison.

Data Source(s): Administrative Office of the Courts; LRC Staff

Preparer: Mary Stephens (wfb) **Reviewer:** KHC **Date:** 3/15/22