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

**Part I: Measure Information** 

Bill Request #: 1027
Bill #: SB 97 SCS 1
<b>Document ID #:</b> 4136
Bill Subject/Title: AN ACT relating to child fatalities and near fatalities.
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: Law Enforcement, Jails
Requirement: X Mandatory Optional
Effect on Powers & Duties: Modifies ExistingX Adds New Eliminates Existing

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

SB 97 SCS 1 amends KRS 620.040 to require a law enforcement officer to request a blood, breath, or urine test from a person suspected of being under the influence of alcohol or drugs who is either the parent or an individual custodial control or supervision of a child who experiences a fatal or near-fatal occurrence. If consent is not granted to the law enforcement officer making the request, then a search warrant may be issued by a judge to the appropriate law enforcement official upon probable causes.

Any alcohol concentration test administered shall be conducted pursuant to KRS 189A.103 which sets forth the procedures for test given when impaired driving is suspected.

SB 97 SCS 1 also changes the response time from "as soon as practicable" to "immediately" for when a coroner should contact the Department of Community Based Services regarding the death of a child that meets the criteria for a post-mortem examination.

The fiscal impact of SB 97 SCS 1 on local governments is expected to be minimal in regards to training and procedure processes that may need to be updated relating to the investigation of a child fatality or near fatality.

The following statistics are for a five year period commencing in either 2014 or 2015 and are submitted as a point of reference. We can infer this might be the maximum number of tests necessary, but will likely be less.

- The average number of unintentional injury deaths to children 0-17 years of age was 109. (Infants accounted for 16% of unintentional injury deaths in 2018).
- The average number of homicide deaths to children 0-17 years of age was 103.
- The average number of fatalities in which abuse or neglect was substantiated was 15.
- The average number of near fatalities in which abuse/neglect was substantiated was 47.

The Fraternal Order of Police and the Kentucky Sheriffs' Association were contacted for input. As of the submission of this Local Mandate Statement, a response has not been received from either organization. When a response is received, the statement will be updated accordingly.

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

SB 97 SCS 1 keeps all the provisions for SB 97 as introduced. The only changes are grammatical clarifications that does not materially affect the intent or impact of the proposal.

Part II refers to SB 97 as introduced. There are no prior versions of this bill.

**Data Source(s):** LRC Staff;

Kentucky Department of Public Health - Child Fatality Report, 2020; Division of Protection and Permanency, Child Abuse and Neglect Annual

Report of Child Fatalities and Near Fatalities.

**Preparer:** Wendell F. Butler (mo) **Reviewer:** KHC **Date:** 2/2/22