

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2023 Regular Session**

Part I: Measure Information

Bill Request #: 186

Bill #: HB 3 HCS 2

Document ID #: 4983

Bill Subject/Title: AN ACT relating to juvenile justice and making an appropriation therefor.

Sponsor: Representative Kevin D. Bratcher

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

Current law at KRS 610.030 provides that a child against whom a complaint of a status offense or a public offense has been lodged, may be referred to a diversion program. HB 3 HCS 2 **Section 1 (11)** would amend KRS 610.030 to establish that, if a child fails to appear for the preliminary intake hearing or fails to complete a diversion agreement because of a lack of parental cooperation the court may order parental cooperation. **Section 2** of the bill would amend KRS 610.990 to establish that intentional violation of that order shall constitute violation of KRS 530.070(1)(c), a Class A misdemeanor, if the case relates to truancy.

The fiscal impact of HB 3 HCS 2 on local jails and law enforcement would be minimal. Under current law at KRS 610.990 intentional violation of any provision of KRS Chapter 610 constitutes a Class B misdemeanor. HB 3 HCS 2 would raise the intentional violation to a Class A misdemeanor, if the parental cooperation order issued by a court arose from truancy proceedings.

According to the Administrative Office of the Courts (AOC) there has been infrequent prosecution of a parent or guardian for violation of KRS Chapter 610. While it is unquantifiable how many persons might be charged with intentional violation of an order issued pursuant to KRS 610.030 (11), AOC does not expect many such violations to be prosecuted and even fewer would be incarcerated.

However, each person convicted and sentenced to incarceration would represent an expense to the local jail. A person convicted of a Class A misdemeanor may be incarcerated for up to twelve 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 is based on a reported average cost to incarcerate of \$40.11 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$40.11 per day.

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

Part II applies to House Committee Substitute 2 to HB 3. The committee substitute increases the fiscal impact of the bill on local governments from HB 3 as introduced by making it mandatory that intentional violation of Section 1 (11) of the bill constitute a violation of KRS 530.070(1)(c) if the case arises from truancy, rather than permissive.

Data Source(s): Administrative Office of the Courts; Department of Corrections; LRC staff

Preparer: Mary Stephens (RB) **Reviewer:** KHC **Date:** 2/28/23