

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

Part I: Measure Information

Bill Request #: 39

Bill #: HB 53

Document ID #: 111

Bill Subject/Title: AN ACT relating to orders of protection.

Sponsor: Representative Kim Banta

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

Office(s) Impacted: jails

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

HB 53 would establish that entry by a judge of an order convicting a person of a qualifying felony offense would operate as an application for an order of protection on behalf of the victim. The qualifying offenses are identified in the proposed bill. No other proof of grounds for an order of protection would be needed; the order would be effective for the lifetime of the victim or defendant. Violation of the protection order would constitute a Class A misdemeanor.

HB 53 would have a minimal fiscal impact on local jails.

The “qualifying felony offenses” include homicide, kidnapping, sexual offences and other serious crimes. These crimes typically, result in an issuance of a protection order. It is not expected HB 53 would increase the numbers of jail inmates. Those who do intentionally violate the protective order and are convicted of a Class A misdemeanor would be subject to incarceration for up to 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, the estimated impact is based on an 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. Therefore, each defendant sentenced to serve, for example, 30 days for violating a protective order would cost a local jail approximately \$1,203.30 (30 days x \$40.11/day).

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

Part II applies to HB 53 as introduced. There is no earlier version for comparison.

Data Source(s): Kentucky County Attorneys Association; Department of Corrections; LRC staff

Preparer: Mary Stephens (CH) **Reviewer:** KHC **Date:** 1/17/23