Local Government Mandate Statement Kentucky Legislative Research Commission 2023 Regular Session

Part I: Measure Information

Bill Request #: 1107
Bill #: SB 229 HCS 1
Document ID #: <u>6182</u>
Bill Subject/Title: AN ACT relating to child abuse.
Sponsor: Senator Julie Raque Adams
Unit of Government: X City X County X Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Jails, Law Enforcement
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing

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

SB 229 HCS 1 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. 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 new Class A misdemeanor.

SB 229 HCS 1 would have a minimal negative fiscal impact on local jails and law enforcement due to codification of a new Class A misdemeanor. From CY 2018 through CY 2022 there was a combined total of 57 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 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 will be 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. At a cost of \$40.11 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 \$3,609.90 (\$40.11/day x 90 days) to \$14,439.60 (\$40.11/day x 360 days).

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

Part II refers to SB 229 HCS 1. The HCS 1 version of SB 229 adds a section amending KRS 69.210 to stipulate that attorneys for the Cabinet for Health and Family Services may be involved with the prosecution of any case under KRS Chapter 620 upon written notice to the county attorney and judge of the District Court or family division of the Circuit Court. The HCS 1 version makes some minor additional changes in language but is otherwise substantially the same as the introduced version and the changes do not impact the original local mandate analysis.

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

Corrections

Preparer: Ryan Brown (MS) **Reviewer:** KHC **Date:** 3/14/23