

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

Part I: Measure Information

Bill Request #: 1107

Bill #: SB 229 GA

Document ID #: 5403

Bill Subject/Title: AN ACT relating to child abuse.

Sponsor: Senator Julie Rague 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 GA 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. Any person who knowingly causes intimidation, retaliation, or obstruction of investigation of the report would constitute a new Class A misdemeanor.

Additionally, with the expansion of reporting requirements within Section 1 for persons with reasonable cause to believe a child is dependent, neglected, or abused, outside of the new Class A misdemeanor 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 229 GA 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 knowingly causing 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. 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 cost to incarcerate 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).

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 \$40.11, which includes the \$35.34 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 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 refers to SB 229 GA. The GA version of SB 229 is the same as the bill introduced. SB 229 GA passed its chamber of origin without amendments or substitutes.

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

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