

or pursuant to an engagement declined by the Auditor of Public Accounts. **Section 4** of the bill would authorize a person alleging a violation of the provisions of SB 62 SCS to bring a civil action for injunctive relief and/or money damages, costs and attorney fees. Knowing violation of any provision of the bill would constitute a Class B misdemeanor pursuant to KRS 532.020.

The fiscal impact of SB 62 SCS on local governments is indeterminable but likely to be minimal. The burden on local government offices would be largely administrative and could necessitate training of staff. According to the Kentucky County Clerks Association training costs are minimal as they receive training at their monthly meetings. If additional office staff must be trained or must be reimbursed travel or accommodation expenses then training costs could increase.

SB 62 SCS 1 would create a new Class B misdemeanor. It is not known how many people would be arrested, convicted, and incarcerated for violation of SB 62 SCS; however, each person incarcerated represents an expense to local jails. A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. 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 fiscal impact is estimated based on an average cost to incarcerate of \$40.11 per day, which is the amount the Department of Corrections pays to local jails to house state prisoners. While the majority of misdemeanor defendants are granted bail, those who are not will also cost local jails an average of \$40.11 per day. Each person incarcerated for violation of SB 62 SCS for the maximum 90 days would cost the local jail approximately \$3,609.90 ($\$40.11 \times 90 \text{ days} = \3609.90).

In addition, cities may need to overhaul relevant ordinances if they conflict with the provisions of SB 62 SCS. Amending ordinances would require the services of an attorney as well as publishing costs. According to the Kentucky League of Cities, most cities, especially the smaller ones, retain their city attorney on contract and pay on an hourly basis. Time spent drafting an ordinance is influenced by its complexity and the amount of research that is necessary. The latest estimate of the sum paid by cities to their attorneys is an average hourly rate of \$107-\$117.

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

Part II applies to the Senate Committee Substitute to SB 62. The Senate Committee Substitute changed the fiscal impact of the bill as introduced from no fiscal impact on local governments to a minimal fiscal impact.

The Senate Committee Substitute made the following changes to SB 62 as introduced:

- Changed Section 3 to exclude disclosures required by Legislative and Executive Branch ethics laws and disclosures required by the Office of the Auditor of Public Accounts from the bill's prohibition on disclosures of personal information.

- Added a provision that knowing violation of the provisions of SB 62 would constitute a Class B misdemeanor.

Data Source(s): Kentucky Department of Corrections; Kentucky League of Cities;
Kentucky County Clerks Association; LRC staff

Preparer: Mary Stephens (RB) **Reviewer:** KHC **Date:** 2/21/23