Local Government Mandate Statement Kentucky Legislative Research Commission 2024 Regular Session

Part I: Measure Information

Bill Request #: 33
Bill #: HB 81
Document ID #: 393
Bill Title: AN ACT relating to orders of protection.
Sponsor: Representative Kim Banta
Unit of Government: X City X County X Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Law Enforcement, Courts, Jails
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

HB 81 creates a new section of KRS Chapter 532, which modifies when applications for orders of protection are submitted when convictions are rendered for certain felony offenses. Under the legislation, an entry of a judgment of conviction for a qualifying offense is treated as an automatic application for an order of protection, unless the victim requests otherwise.

Orders of protection requested pursuant to HB 81 must be issued by the court that entered the judgment of conviction. The conviction constitutes sufficient cause for the entry of the order of protection without the necessity of further proof being taken, and the order of protection may be effective for the lifetime of the victim or defendant. The intentional violation of an order of protection shall be subject to KRS 456.180, which constitutes a Class A misdemeanor.

HB 81 would have a minimal fiscal impact on local jails.

The qualifying felony offenses include homicide, kidnapping, sexual offenses and other serious crimes. These crimes typically, result in an issuance of a protection order. It is not expected HB 81 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, this estimated impact will be based on an average cost to incarcerate of \$44.97 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 \$44.97 per day.

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

Corrections

Preparer: Ryan Brown (BL) Reviewer: KHC Date: 1/10/24