

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2025 Regular Session**

Part I: Measure Information

Bill Request #:	58	Bill #:	HB 38 HCS 1
Document ID #:	3753	Sponsor:	Rep. James Tipton
Bill Title:	AN ACT relating to orders of protection		

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

Office(s) Impacted: Department of Corrections, Law Enforcement

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

Other Fiscal Statement(s) that may exist: Actuarial Analysis Corrections Impact
 Health Benefit Mandate State Employee Health Plan

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

HB 38 HCS 1 amends KRS 403.763 and KRS 456.180 to make three additions to statute. First is making violation of an order of protection for the first offense a Class A misdemeanor. Second, violation of an order of protection a second or subsequent time within five years results in a Class D felony. It is not required for the victim in a second or subsequent violation to be the same person who was the victim in one or more of the prior violations. Lastly, the five-year period is measured from the dates of the violation(s) for which the judgements of conviction were entered by a court of competent jurisdiction.

The Administrative Office of the Courts gave statistics of protective order violations in 2024 under KRS 403.763 and KRS 456.180. Circuit Court reported 496 charges and 269 cases. District Court reported 4,590 charges and 3,223 cases. A case may consist of one or multiple charges and does not represent a count of unique individuals. Cases reported is a distinct count, meaning they were counted only once.

The fiscal impact of HB 38 HCS 1 on local governments is indeterminate but expected to be negative. There are costs associated with the investigation of violations and incarceration of offenders.

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 \$47.43 per day. While most misdemeanor defendants are granted bail, those who do not will also cost local jails an average cost to incarcerate of \$47.43 per day.

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 \$47.43, 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 Department of Corrections pays a jail \$35.34 per day to house a Class D felon. The per diem may be less than, equal to, or greater than the actual housing cost.

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

Preparer: TJ **Reviewer:** HT (MDA) **Date:** 2/12/25