Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2017 Regular Session

Part I: Measure Information

| Bill Request #: 127 |
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| Bill #: SB 44 |
| Bill Subject/Title: AN ACT relating to arrest-related deaths. |
| Sponsor: Senator Reginald Thomas |
| Unit of Government:XCityXCountyXUrban-CountyXCharter CountyXConsolidated LocalXGovernment |
| Office(s) Impacted: Coroners |
| Requirement: <u>X</u> Mandatory Optional |
| Effect on Powers & Duties: X Modifies Existing X Adds New Eliminates Existing |

Part II: Purpose and Mechanics

SB 44 amends KRS 72.025 by expanding the requirements for post-mortem examinations to include persons in the process of being arrested or en route to be incarcerated. It also creates a new section of Chapter 72 to require the coroner or medical examiner to provide notice of death to the Office of the Kentucky State Medical Examiner. This notice shall include at a minimum the following:

- (a) The name, gender, race, ethnicity, and age of the deceased;
- (b) The date, time, and location of death;
- (c) The law enforcement agency that had custody, detained, arrested, or was in the process of arresting the deceased; and
- (d) A description of the circumstances surrounding the death.

Additionally, after receiving the notice, the Office of the Kentucky State Medical Examiner shall publish on its Web site an annual public report to the secretary of the Justice and Public Safety Cabinet related to arrest-related deaths (ARDs) on a county-by-county, statewide, and agency basis including gender, race, and ethnicity of decedents. SB 44 also amends KRS 72.020 to expand the list of circumstances requiring any person, hospital, or institution, finding or having possession of the body of any person whose death occurred under circumstances defined in KRS 72.025 to immediately notify the coroner or deputy coroner, and a law enforcement agency.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact of SB 44 on local government is expected to be minimal.

Currently, most jurisdictions have policies in place regarding any suspicious deaths. Those policies dictate a post-mortem examination and a report filed with the Office of State Medical Examiner. SB 44 would make such procedures statutory. KRS 72.025 currently requires post-mortem exams when death occurs under specific conditions including homicide or violence.

The impact will be dependent on the number of ARDs within a specific jurisdiction. If the coroner hires an examiner to perform the post-mortem examination, the cost on average is less than \$5,000 and is dependent on how detailed an examination is required¹⁻². If the coroner or State Medical Examiner performs the post-mortem exam, then the majority of the cost will be absorbed by those agencies.

The following ARD totals were obtained from the Federal Bureau of Justice and the Kentucky State Police.

| | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|--|------|------|------|------|------|------|------|
| Number of ARDs, State Totals ³ | 3 | 2 | 4 | 2 | 6 | 9 | 12 |

| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016-YTD |
|--|------|------|------|------|------|------|----------|
| Number of ARDs, State Totals ⁴ | 0 | 6 | 4 | 4 | 1 | 4 | 2 |

Historically, the vast majority of the ARDs occur in separate counties. Between 2003 and 2009, only three counties experienced multiple deaths.³

| Data Source(s): | <u>1. usaforensics.com</u> |
|-----------------|---|
| | 2. www.americanautopsy.com |
| | 3. Bureau of Justice, November 2011, Arrest-Related Deaths, 2003-2009 |
| | Statistical Tables. |
| | 4. Kentucky State Police |
| | General References: Franklin County, Kentucky Coroner's Office and |
| | Franklin County, Kentucky Sheriff's Office |
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| | Preparer: | Wendell F. Butler | Reviewer: | JWN | Date: | 1/2/17 |
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