

HB 221 removes language allowing units of state or local governments to prohibit the carrying of CDWs by licensees in that portion of a building actually owned, leased, or occupied by that unit of government.

HB 221 prohibits the legislative body of a state or local government by statute, administrative regulation, or ordinance, from prohibiting or limiting the carrying of CDWs by licensees in that portion of a building owned, leased, or controlled by that unit of government. HB 221 further removes language regarding signage for these building informing patrons of the restrictions.

HB 221 removes language prohibiting a licensee to carry a concealed firearm into a courthouse solely occupied by a Court of Justice courtroom. Subsequently, HB 221 adds language allowing the legislative body of a state or local government by statute, administrative regulation, or ordinance, to prohibit or limit the carrying of CDWs into any Court of Justice courtroom or court proceeding, or to a detention facility.

HB 221 removes language prohibiting a licensee from carrying a concealed firearm into a meeting of a local government, a meeting of the General Assembly or a committee meeting thereof. HB 221 removes language that allowed only members of that body to carry a CDW to a meeting of that body.

HB 221 removes language prohibiting a licensee to carry a concealed firearm into any elementary or secondary school facility without the consent of school authorities.

HB 221 broadens the prohibition of carrying a firearm into any place where the carrying of weapons is prohibited by federal law to include 'weapons', except where specifically provided for in KRS 527.020.

HB 221 clarifies that any signs posted by the owner, business or commercial lessee, or manager of a private business enterprise, day-care, family child-care homes, or health care facility except facilities renting or leasing housing that prohibit licensees and employees holding licenses if not authorized by the employer from carrying CDWs on the premises shall be **conspicuous and at each public entrance**.

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

The fiscal impact of HB 221 on local government is expected to be minimal.

HB 221 decriminalizes - under specific situations - carrying a concealed firearm into government buildings and public and private school property.

The table below reflects the number of charges and cases originating from unlawful possession of a weapon on school property as defined in KRS 527.070. On a statewide basis and for calendar year 2015, there were 26 circuit and district court cases and 92 juvenile court cases resulting from Class D felony charges and Class A misdemeanor charges related to unlawful possession of a weapon on school property. The total case number does not equal the sum of the line items due to how the Administrative Offices of the Court accounts for the cases removing any duplications from the total resulting from amended charges.

UOR Code	Description	Class / Level		Circuit	District	Juvenile
522040	Unlawful Possession of Weapon on School Property	D Felony	Charges	6	15	91
			Cases	6	15	91
522041	Att Unlawful Possession of Weapon on Schoop Property	A Misdemeanor	Charges		4	4
			Cases		4	4
522044	Facilitation Unlawful Possession of Weapon on School Property	A Misdemeanor	Charges		1	1
			Cases		1	1
522045	Comp Unlawful Possession of Weaopon on School Property	D Felony	Charges	3		1
			Cases	3		1
TOTALS:			Charges	9	20	97
			Cases	9	17	92

The table below reflects the number of charges and cases originating from carrying a concealed deadly weapon as defined by KRS 527.020. On a statewide basis and for calendar year 2015, there were 2,098 circuit and district court cases resulting from Class A misdemeanor and Class B misdemeanors charges related to carrying a concealed deadly weapon. The total case number does not equal the sum of the line items due to how the Administrative Offices of the Court accounts for the cases removing any duplications from the total resulting from amended charges.

UOR Code	Description	Class / Level		Circuit	District
15010	Carrying a Consealed Deadly Weapon	A Misdemeanor	Charges	306	1831
			Cases	292	1782
15011	Att Carrying a Concealed Deadly Weapon	B Misdemeanor	Charges		1
			Cases		1
15012	Solc Carrying a Concealed Deadly Weapon	B Misdemeanor	Charges		1
			Cases		1
15014	FacI Carrying a Concealed Deadly Weapon	B Misdemeanor	Charges		1
			Cases		1
15015	Comp Carrying a Concealed Deadly Weapon	A Misdemeanor	Charges	22	2
			Cases	22	2
TOTALS:			Charges	328	1836
			Cases	313	1785

Whereas the passage of HB 221 raises the possibility that a portion and to an extreme possibility, none of the above charges would be offenses, any related reimbursement received from the Department of Corrections for housing prisoners would not occur.

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 one year. Misdemeanants are housed in one of Kentucky's 78 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.34 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 78 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day. 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 \$31.34 per day to house a D felon. Since the per diem pays for the estimated average cost of housing 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, Administrative Offices of the Courts

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