

**Local Mandate Fiscal Impact Estimate  
Kentucky Legislative Research Commission  
2016 Regular Session**

**Part I: Measure Information**

**Bill Request #:** 1039

**Bill #:** SB 112

**Bill Subject/Title:** AN ACT relating to dangerous instruments.

**Sponsor:** Senator Robin Webb

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

Office(s) Impacted: \_\_\_\_\_

Requirement:  Mandatory  Optional

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

**Part II: Purpose and Mechanics**

SB 112 prevents local governments from regulating knives, components of knives, and knife accessories.

SB 112 removes “Any knife other than an ordinary pocket knife or hunting life” from the definition of “deadly weapon”.

SB 112 amends KRS 446.010, *Definitions for statutes generally*, to include dangerous instrument as “any instrument, including parts of the human body when a serious physical injury is a direct result of the use of that part of the human body, article, or substance which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury.” The term is currently defined in KRS 500.080, *Definitions for the Kentucky Penal Code*.

SB 112 makes the following additional modifications to current wording to include *dangerous instruments*: (These cites have been paraphrased.)

A child being adjudicated for an offense involving a deadly weapon or *dangerous instrument* that would be a Class D felony if committed by an adult is cause for removing the child to out-of-home placement for a maximum of eight months.

If an administrator, teacher, or other employee of a public or private school is required to make a report to law enforcement if he knows or has reasonable cause to believe that conduct has occurred which constitutes a misdemeanor or violation involving a deadly weapon or *dangerous instrument*.

Incidents occurring on school property or at school functions and involving a deadly weapon or *dangerous instrument* are required to be entered into a statewide database.

Air boards may utilize techniques and procedures as it determines necessary to insure public safety on airplanes and on airport property regarding the use of bombs, explosives, firearms, deadly weapons, or *dangerous instruments*.

A surviving spouse and child under the age of 18 of a person killed when the incident involved a deadly weapon or *dangerous instrument* may seek vindictive damages.

Any person in this state that challenges or accepts a challenge to fight with a deadly weapon or *dangerous instrument* shall be fined \$500 and imprisoned for not less than six, nor more that twelve months. Any person that knowingly carries or delivers such a challenge in this state, or consents to be a second to either party shall be fine \$100 and imprisoned for thirty days.

A person is guilty of stalking in the first degree if the act or acts were committed while the defendant was in possession of a deadly weapon or *dangerous instrument*. Stalking in the first degree is a *Class D felony*.

A person is guilty of disarming a peace officer when he removes a deadly weapon or *dangerous instrument* from a peace officer when the officer is acting within the scope of his duties. Disarming a police officer is a *Class D felony*.

A person is guilty of burglary in the first degree when the crime is committed by a person who is armed with a deadly weapon or *dangerous instrument*. Burglary in the first degree is a Class B felony.

Upon conviction of any law in which a deadly weapon or *dangerous instrument* was used, displayed, or unlawfully possessed, the weapon shall be forfeited and sold, destroyed, or otherwise disposed of.

A person is guilty of unlawful possession of a weapon on school property when he deposits, possesses, or carries, whether openly or concealed any knife other than an ordinary pocket knife or hunting knife for purposes not specifically allowed for in statute. Unlawful possession of a weapon on school property is a *Class D felony*.

A knife may be on school property is contained within a vehicle operated by an adult and is not removed from the vehicle except for reasons allowed for in statute.

A court-designated worker may dispose of one felony complaint per child involving the use of a deadly weapon or *dangerous instrument* with the approval of the county attorney.

All law enforcement and court records of minors who are adjudicated a juvenile delinquent for an offense that would constitute a capital offense or a Class A, B, C felony if the juvenile were an adult and involving a deadly weapon or *dangerous instrument* shall not be open to public scrutiny.

Schools must be notified when a petition is filed against a child or the child is adjudicated guilty of an offense involving a deadly weapon or *dangerous instrument* that would be a felony if committed by an adult if the child was in possession of a dangerous instrument at the time of offense.

A child adjudicated for an offense that would be a misdemeanor if committed by an adult, other than an offense for which a child has been declared a juvenile sex offender or an offense involving a deadly weapon or *dangerous instrument*, the period of probation shall not exceed six months except that the order may be extended to 12 months if any court-ordered substance abuse or mental health treatment program last longer than six months.

A child adjudicated for an offense involving a deadly weapon or *dangerous instrument* that would have been a Class A, B, or C felony if committed by an adult, may be placed on probation up to age 18.

A child adjudicated for an offense involving a deadly weapon or *dangerous instrument* shall be committed or recommitted to the custody of the Department of Juvenile Justice, be subjected to the guardianship of a child-caring facility or agency, or placed under the custody and supervision of a suitable person.

A child adjudicated for an offense that would be a misdemeanor if committed by an adult, other than an offense for which a child has been declared a juvenile sex offender or an offense involving a deadly weapon or *dangerous instrument*, may be committed for a period not to exceed 12 months inclusive of time spent in a treatment plan.

A child adjudicated for an offense that would be a Class D felony if committed by an adult, other than an offense for which a child has been declared a juvenile sex offender or an offense involving a deadly weapon or *dangerous instrument*, may be committed for a period not to exceed 18 months inclusive of time spent in a treatment plan.

A child adjudicated for an offense that would be a Class A, B, or C felony if committed by an adult, or for an offense involving a deadly weapon or *dangerous instrument*, the child may be committed up to age eighteen (18).

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

**The fiscal impact of SB 112 on local governments is undeterminable, but expected to be minimal.** Regarding the deregulation of knives, local governments will stop enforcing current local ordinances that regulate knives, thus conflicting language in local ordinances would have to be removed. The cost of ordinance revision would be minimal but corresponding to the immediate needs of the county and how the local government disperses the information to those that need to know.

Likewise, it is indeterminable how much effort has been made by local law enforcement regarding knives that was not part of a parallel investigation or the cost of which was not absorbed elsewhere. Information from the Kentucky State Police shows that in 2015, 1,355 knives/sharp objects and 1,714 blunt objects/clubs/hammers were reported as weapons used in assault type crimes in KY.

As detailed in Part II, stalking with a dangerous instrument, disarming a peace officer of a dangerous instrument, and unlawful possession of any knife other than an ordinary pocket knife or hunting knife on school property are class D felonies.

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, Department of Corrections

**Preparer:** Wendell F. Butler      **Reviewer:** JWN      **Date:** 1/15/16