SESSION: 16RS BILL #: SB 220 **BR #:** 2086 **DOC ID#:**

BILL SPONSOR(S): Sen. Neal AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to child safety.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 527 to enumerate that it is a criminal offense for any person to allow a juvenile access to a readily dischargeable firearm if he or she knowingly or recklessly failed to secure the firearm or left the firearm in a place the person knew or should have known the juvenile would access; allow affirmative defenses to an offense under this section; provide that an offense under this section is a Class B misdemeanor, and a Class A misdemeanor if the juvenile discharges the firearm and causes the death or serious injury of the juvenile or another person; amend KRS 507.010 to provide a definition of "readily dischargeable firearm"; amend KRS 507.050 to provide that a person is guilty of reckless homicide if he or she accesses a readily dischargeable firearm in a manner that leads to the death of a child; amend KRS 527.010 to conform; provide that this Act be known as the the "Andre O'Neal Memorial Act."

This 🔀 bill 🗌 amendment 🔲 committee substitute is expected to:			
⊠ Have the following Corrections impact □ Have no Corrections impact			
Creates new crime(s)	Repeals existing crime(s)		
Increases penalty for existing crime(s)	Decreases penalty for existing crime(s)		
Increases incarceration	Decreases incarceration		
Reduces inmate/offender services	Increases inmate/offender services		
Increases staff time or positions	Reduces staff time or positions		
Changes elements of offense for existing crime(s)			
Otherwise impacts incarceration (Explain).			

STATE IMPACT: Class A, B & C felonies are based on an average daily prison rate of \$61.09. Most Class D felons are housed in one of 78 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$32.51 per day (includes jail per diem, medical & central office costs), not including substance abuse treatment. Projections are based on the daily rate x 365 x number of years.

Projected Impact:	☐ NONE	🖂 MINIMAL		SIGNIFICANT
		\$0-\$1,000,000	\$1,000,000- \$5,000,000	\$5,000,000- Up

Potential Impact: The proposed legislation changes existing law to include a person being guilty of reckless homicide if accessing a readily dischargeable firearm in a manner that discharges the firearm and leads to the death of a juvenile under the age of 12 years old. Reckless homicide is a Class D felony.

The proposed legislation also creates new Class Be misdemeanor around access to a readily dischargeable firearm and Class A misdemeanor if the juvenile discharges the firearm and caused death or serious injury to himself or another.

At this time it is not possible to determine the number of individuals who would be affected by this legislation. Each new misdemeanant required to serve time in a county jail may pose costs to the state if these additional misdemeanants reduce the Department of Corrections' ability to utilize county jail beds. Specifically, if jail beds are exhausted by county inmates, this reduces the number of beds available to the Department to house nonviolent Class C and Class D felons. In addition to this, the Department indicated that it costs the state \$.057 per county inmate per day to utilize the Department's contract medical, dental, and psychological care access plan pursuant to KRS 441.053.

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost \$118,660 to \$593,310.

1 Class D Felon costs Ky. \$11,866 to \$59,331.

100 Class D Felons cost \$1.1M to \$5.9M.

LOCAL IMPACT: Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until disposition of the case. While the expense varies by jail, this estimated impact will be based on \$31.92 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Projected Impact: NONE

Potential Impact: The proposed legislation has the potential to impact the number of beds available in local facilities. However the impact is expected to be minimal. A Class B misdemeanor is up to 90 days in jail. 1 Class B misdemeanant: may cost up to \$2,870. 10 Class B misdemeanants: up to \$28,703.

A Class A misdemeanor is 90 days to 1 year in jail. 1 Class A misdemeanant: may cost between \$2,903. to \$11,771. 10 Class A misdemeanants may cost between \$29,025 to 117,713.

The following offices contributed to this Corrections Impact Statement:	Other
NOTE: Consideration should be given to the cumulative impact of all bills that increase the felon po impose new obligations on state or local governments.	pulation or that

APPROVED BY:

Commissioner, Kentucky Department of Corrections

Date