

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

Part I: Measure Information

Bill Request #: 2086

Bill #: SB 220

Bill Subject/Title: AN ACT relating to child safety.

Sponsor: Senator Gerald A. Neal

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

Office(s) Impacted: Local Law Enforcement, Jails

Requirement: Mandatory Optional

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

Part II: Purpose and Mechanics

SB 220 expands the criteria for finding a person guilty of reckless homicide to include accessing a readily dischargeable firearm in a manner that discharges the firearm and leads to the death of a juvenile under the age of twelve years old. SB 220 defines “Readily dischargeable firearm” as a firearm that is loaded with ammunition, whether or not a round is in the chamber.

SB 220 provides that a person is guilty of criminally allowing a juvenile access to a readily dischargeable firearm when he or she allows a juvenile under the age of twelve to access a readily dischargeable firearm and 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 gain access. SB 220 defines “secure” as taking steps that a reasonable person would take to prevent the access to a readily dischargeable firearm by a juvenile under the age of twelve, including but not limited to placing a firearm in a locked container or temporarily rendering the firearm inoperable by a trigger lock or other means. Criminally providing a juvenile access to a readily dischargeable firearm is a Class B misdemeanor. If the juvenile discharges the firearm resulting in the death or serious injury of himself or

another person, the person allowing access to the readily dischargeable firearm is guilty of a Class A misdemeanor.

SB 220 provides an affirmative defense to the offense of criminally allowing a juvenile access to a readily dischargeable firearm, if the juvenile's access to the firearm

- Was supervised by a person older than eighteen years old and the firearm was readily dischargeable for hunting, sporting, or other lawful purposes,
- Was a lawful defense by the juvenile in an effort to protect himself (KRS 503.050) or property (KRS 503.080),
- Was gained by burglary or criminal trespass (KRS Chapter 511)
- Was gained by theft by unlawful taking or disposition (KRS 514.030)
- Occurred during a time when the person was engaged in an agricultural enterprise.

SB 220 requires a Kentucky firearms dealer to post a sign containing the following warning in one inch block letters:

IT IS UNLAWFUL TO STORE, TRANSPORT, OR ABANDON AN UNSECURED FIREARM IN A PLACE WHERE A JUVENILE IS LIKELY TO BE AND CAN OBTAIN ACCESS TO THE FIREARM

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

The fiscal impact of SB 220 on local governments is expected to be minimal.

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 \$31.92 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.92 per day.

The Kentucky State Police provided statistics in regards to accidental shooting under the age of 12 (other than hunting). For 2015, there were 10 accidental shootings of which half were age of five and younger. For the five year period 2011 - 2015, there were 88 of which 37 were age five and younger. These numbers are presented solely as reference. The circumstances surrounding the shootings are not known.

Data Source(s): LRC Staff, Kentucky State Police

Preparer: Wendell F. Butler **Reviewer:** JWN **Date:** 2/25/16