

SB 257 requires the Attorney General to promulgate administrative regulations regarding location and characteristics of signs to be posted prohibiting concealed deadly weapons.

SB 257 allows the following people to carry concealed deadly weapons at all times and locations within the Commonwealth, except in or on the premises of a detention facility (excluding courtrooms or other premises used by the Court of Justice or Administrative Office of the Courts) unless permission is granted by the person in charge of the facility:

- an elected peace officer;
- a nonelected peace officer, when authorized by the local government by which the officer is employed;
- a deputy jailer, and the department head or employee of a corrections department in any jurisdiction where the office of elected jailer has been merged with the office of sheriff, and who has completed Department of Corrections basic training and is up to date with in-service training, and when authorized to do so by the employing unit of government;
- a certified court security officer, when necessary for the officer's protection in the discharge of the officer's duties, when authorized to do so by the employing unit of government; and
- a United States mail carrier when engaged in his or her official duties and in accordance with federal law and regulations.

The following may also carry a concealed deadly weapon **if they hold a license**:

- a currently serving or retired Commonwealth's attorney or assistant Commonwealth's attorney;
- a currently serving or retired county attorney or assistant county attorney;
- a currently serving or retired justice or judge of the Court of Justice; including senior status justices and judges.

All the above individuals who are issued a concealed carry deadly weapon license shall also be issued a license which bears a statement that the license is valid at all locations within the Commonwealth, and may have other identifying characteristics as determined by the Kentucky State Police.

SB 257 DOES NOT:

- permit the carrying or possession of a firearm where prohibited by federal law;
- impair the owner or legal possessor of private property to regulate or prohibit the carrying of firearms on such property given specific requirements provided by the proposal;
- impair or limit the authority of a college, university, or any postsecondary education facility including technical schools and community colleges to restrict or prohibit the carrying or possession of deadly weapons; or
- impair or limit the right of a local government to prohibit the carrying of concealed deadly weapons in that portion of a building actually owned, leased, or occupied by them.

SB 257 provides that a person who carries a firearm or other deadly weapon onto premises posted that concealed deadly weapons are prohibited is guilty of a noncriminal violation with a penalty of \$50 for the first offense and \$100 for the second offense. A third and subsequent offense is a Class B misdemeanor.

SB 257 removes language found in KRS 237.110(15) that provides for a \$25 fine if the licensee fails to carry the concealed firearm or other deadly weapon license at all time, or fails to display it upon the request of a law enforcement officer.

The intent of SB 257 is to allow people to carry concealed weapons without a license. However, KRS 237.110 cannot be repealed because Kentuckians who want to carry concealed weapons in other states will still need licenses, as will the individuals detailed above, and people who want to be CCDW instructors. KRS 237.110 (20) was added to acknowledge that licensing exists but is not a prerequisite to concealed carry or deadly weapons.

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

SB 257 provides that a person who carries a firearm or other deadly weapon onto premises where firearm and other deadly weapons are prohibited for a third and subsequent time is guilty of a Class B misdemeanor.

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. 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.

Data Source(s): LRC Staff, Department of Corrections, Near-identical to RS 16 HB 531

Preparer: Wendell F. Butler **Reviewer:** JWN **Date:** 3/8/16