Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2017 Regular Session

Part I: Measure Information

Bill Request #: 1616	
Bill #: HB 316	
Bill Subject/Title:	AN ACT relating to carrying concealed weapons.
Sponsor: C. Wesley Morgan	
Unit of Government:	City X County X Urban-County Unified Local X Charter County X Consolidated Local X Government
Office(s) Impacted:	Sheriff
Requirement:	Mandatory Optional
Effect on Powers & Duties:	Modifies Existing Adds New Eliminates Existing
Part II: Purpose and Mechanics	

HB 316 provides that a person aged twenty-one (21) or older or otherwise eligible to obtain or maintain a concealed carry license may carry concealed firearms or other concealed deadly weapons without a license in the same locations as person with valid licenses. No person is allowed to carry or possess any deadly weapon where it is prohibited by federal law.

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

The fiscal impact of HB 316 on local governments is expected to be moderate to significant depending on the county and the overall budget of the Sheriff's Office.

HB 316 allows for the carrying of a concealed deadly weapon without a license, thus the number of applications and renewals will drop off considerably. The Sheriff offices will lose the \$20 portion of the \$60 fee which they retain for the initial application and for the renewals. In 2015, Sheriff Offices processed 39,521 initial applications and 36,940 renewals; a total of 76,461. Total fees collected were \$4,587,660 of which the Sheriff kept \$1,529,220. Other "no license" states have shown a minor bounce-back due to

reciprocal agreements with other states that require a license if the license-holder will be traveling within the reciprocal state.

As with any expansion to criminal law, local law enforcement would have a learning curve, and would have to disseminate the information regarding the new law to its officers. Minor cost can be expected regarding these specific laws.

HB 316 expands KRS 527.020 with the inclusion of additional criminal acts detailed above. These additional criminal acts would share penalties already in the statute. Carrying a concealed weapon is a Class A misdemeanor, unless the defendant has been previously convicted of a felony in which case a deadly weapon was possessed, used, or displayed, in which case it is a Class D felony.

A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 76 full service jails or five life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. 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 76 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, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. 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): <u>LRC Staff, Department of Corrections, Surveyed States</u>

Preparer: Wendell Butler **Reviewer:** KHC **Date:** 2/14/17