

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

Part I: Measure Information

Bill Request #: 1559

Bill #: HB 417 SCS 2

Bill Subject/Title: AN ACT relating to an individual's right to concealed carry.

Sponsor: Representative Robert J. Benvenuti

Unit of Government:	<input checked="checked" type="checkbox"/> City	<input checked="checked" type="checkbox"/> County	<input checked="checked" type="checkbox"/> Urban-County
			Unified Local
	<input checked="checked" type="checkbox"/> Charter County	<input checked="checked" type="checkbox"/> Consolidated Local	<input checked="checked" type="checkbox"/> Government

Office(s) Impacted: Law Enforcement

Requirement: Mandatory Optional

Effect on

Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Purpose and Mechanics

HB 417 SCS 2 makes it a violation for any person who prevents or attempts to prevent an authorized individual to carry a concealed firearm from carrying a concealed firearm where an on-duty peace officer* is permitted to carry firearms.

An authorized individual as defined within this section is an off-duty peace officer authorized by the government employing him or her to carry a concealed firearm. The off-duty officer may carry concealed firearms on or about their persons at all times and at any location where an on-duty peace officer is permitted to carry firearms.

**KRS 446.010 defines "peace officer" to include sheriffs, constables, coroners, jailers, metropolitan, and urban-county government correctional officers, marshals, policemen, and other persons with similar authority to make arrests.*

A person or establishment may be issued a citation. If found guilty of this violation, the person shall be fined:

- (a) Five hundred (\$500) for a first offense;
- (b) One thousand dollars (\$1,000) for a second offense; and
- (c) Two thousand five hundred dollars (\$2,500) for a third or any subsequent offense.

Section 4 and 5 of HB 417 SCS 2 removes the requirement of a firearms instructor trainer or instructor from providing a hands-on firearm cleaning training and if passed, the measure will require the firearms instructor trainer or instructor to provide a demonstrated firearm maintenance and cleaning procedures.

Within Sections 4 and 5, the firearms instructor trainer or instructor is guilty of a Class D felony if they provide an incomplete firearms training or an individual is guilty of a Class A misdemeanor if the individual fails to report an insufficient firearms training.

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

The fiscal impact of HB 417 SCS 2 on local governments is expected to be nil with the few exceptions where negligible cost may result from an individual being cited for this particular violation.

Per KRS 30A.190, all fines in any District or Circuit case shall be collected and accounted for by the Circuit Court Clerk and paid into the State Treasury. No exception is made for the fines provided by HB 417 SCS. Local governments will not receive any revenues resulting from HB 417 SCS.

The fiscal impact of Sections 4 and 5 of HB 417 SCS 2 on local governments is expected to be nil to minimal. The requirement change from a hands-on firearm cleaning training to a demonstrated firearm cleaning procedure is not anticipated to have an effect on the firearms training procedure requirements. The penalties associated with failure to comply or failure to report an incomplete firearms training is a Class D felony or a Class A misdemeanor, respectively.

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): LRC Staff

Preparer: Wendell F. Butler **Reviewer:** KRT **Date:** 3/29/17