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

Part I: Measure Information

Bill Request #: 186							
Bill #: SB 28							
Bill Subject/Title: AN ACT relating to firearms.							
Sponsor: Senator Gerald A. Neal							
Unit of Government:	X City X County X Urban-County Unified Local						
-	X Charter County X Consolidated Local X Government						
Office(s) Impacted:	Law Enforcement and Courts						
Requirement: <u>X</u>	Mandatory Optional						
Effect on Powers & Duties:	Modifies Existing X Adds New Eliminates Existing						

Part II: Purpose and Mechanics

SB 28 creates a new section of KRS Chapter 527 that will provide the following:

A person will be guilty of a Class B misdemeanor when a **firearm** not secured by a trigger lock is stored in a manner which allows a minor, without legal justification, to have access to it. Additionally, a person will be guilty of a Class A misdemeanor if a minor, without legal justification, uses a **firearm** in a manner which results in physical injury or death to the minor or another person.

Currently, KRS 527.110 provides that a person is guilty of a Class D felony if the person provides or permits a juvenile to possess a **handgun**.

KRS 527.010 defines a "firearm" to mean any weapon which will expel a projectile by the action of an explosive. It further defines "handgun" to mean any pistol or revolver originally designed to be fired by the use of a single hand, or any other firearm originally designed to be fired by the use of a single hand.

Although KRS Chapter 527 does not define minor and juvenile, both terms are generally understood to mean individuals under the age of 18.

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

The fiscal impact of SB 28 on local governments is expected to be minimal.

The Kentucky State Police was contacted regarding crimes in which a handgun was used by a minor to commit a crime. The KSP queried their database based on the following criteria: a firearm type was named, one of the violations below was listed, and the word *minor* appeared in the narrative as part of the report filed by the officer. The inclusion of the word *minor* in the narrative does NOT necessarily mean that a minor was part of the crime and may only clarify that a "minor was not present".

For the year 2016, the word *minor* appeared in 39 crime narratives. The data does not identify whether or not the handgun was secured or not; but only that a handgun was used in the commission of the crime. Within those 39 instances, a gun was used in the commission of the following crimes and the word minor was part of the narrative:

Murders:	1
Rapes:	0
Robberies:	1
Assaults:	5
Burglaries:	1
Larceny:	9
Auto Thefts:	0
Arson:	0

What we may ascertain from the above data is that a minor was involved in the commission of a crime and that a secured or unsecured handgun was used LESS THAN 39 times statewide. In the case of the line items above, the number of times a minor was involved and that a secured or unsecured handgun was used is equal to or less than the number reflected.

Persons in violation of the provisions of SB 28 will be found guilty of either a Class A or Class B misdemeanor.

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 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. 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.

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

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