

CORRECTIONS IMPACT STATEMENT

SESSION: 18RS

BILL #: HB 409 Introduced

BR #: 1102

DOC ID#: XXXX

BILL SPONSOR(S): Rep. R. Meeks, A. Scott, C. Harris

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to firearms and firearms accessories and declaring an emergency.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 237 to prohibit the sale or transfer of bump stock devices, trigger cranks and other items designed to accelerate the rate of fire without turning a firearm into a fully automatic firearm; create penalties; provide for the destruction of the items after a conviction and any appeals. EMERGENCY.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

Creates new crime(s)

Repeals existing crime(s)

Increases penalty for existing crime(s)

Decreases penalty for existing crime(s)

Increases incarceration

Decreases incarceration

Reduces inmate/offender services

Increases inmate/offender services

Increases staff time or positions

Reduces staff time or positions

Changes elements of offense for existing crime(s)

Otherwise impacts incarceration (Explain) _____

STATE IMPACT: Class A, B & C felonies are based on an average daily prison rate of \$70.12. Most Class D felons are housed in one of 76 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$31.45 per day (includes jail per diem, medical & central office costs), not including substance abuse treatment. Projections are based on the daily rate x 365 x number of years.

Projected Impact:

NONE

MODERATE (< \$1 million)

SIGNIFICANT (> \$1 million)

HB 409 would make it unlawful to knowingly sell, transfer, buy, or receive any part, component, accessory, etc. (ex: bump stock device or trigger crank) that accelerates the rate of fire from a firearm but does not convert the firearm into a fully automatic firearm.

Individuals who lawfully possess these items for personal use on the effective date of the act may continue to possess the devices but shall be prohibited from selling or transferring the device to another person. Firearms dealers and licensed importers will have ninety (90) days to remove any prohibited items from their inventory.

A violation of this statute, under the proposed legislation, shall be a Class D felony for a first offense and a Class C felony for each subsequent offense.

Upon conviction and upon conclusion of an appeal, the Court shall order the destruction of prohibited items.

The impact from this legislation will likely be minimal for the Department of Corrections based on the limited number of convictions that would be expected.

A Class D offender would serve a period of incarceration in the local jails at the cost of \$31 per day. A Class C felony offender would either serve their sentence at a jail if community custody classification, or at a prison at an average cost to incarceration of \$70 per day.

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost KY \$114,808 to \$574,040

1 Class D Felon costs KY \$11,481 to \$57,404

100 Class D Felons cost KY \$1.1M to \$5.7M

A Class C Felony sentence is 5 to 10 years.

10 Class C Felons cost KY \$1.3M to \$2.6M

1 Class C Felon costs KY \$127,972 to \$255,944

100 Class C Felons cost KY \$12.8M to \$25.6M

LOCAL IMPACT: Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until disposition of the case. While the expense varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Projected Impact:

NONE

MODERATE (< \$1 million)

SIGNIFICANT (> \$1 million)

Class D offenders receiving a conviction under this legislation would serve the sentence in a county jail and some Class C offenders may meet community custody eligibility requirements to serve incarceration periods at the county jail. To be eligible for community

custody, Class C offenders would have to be classified at the lowest custody level with eighteen (18) months or less to expiration or parole eligibility.

Housing state inmates in county jails provides an opportunity for jails in additional revenue through state inmate per diem, however, any additional incarcerated offenders impacts local jail capacity.

Based on the limited number of offenders under this offense, the impact to county jails is not expected to be significant.

The following offices contributed to this Corrections Impact Statement:

Dept. of Corrections Dept. of Kentucky State Police Administrative Office of the Courts Parole Board Other

NOTE: Consideration should be given to the cumulative impact of all bills that increase the felon population or that impose new obligations on state or local governments. The Department of Corrections and local jails continue to operate over capacity. Without steps to reduce the population, any legislation that increases population or lengthens the term of incarceration will have a significant impact on correctional operations.

APPROVED BY:



Commissioner, Kentucky Department of Corrections

2/23/2018
Date