

# CORRECTIONS IMPACT STATEMENT

SESSION: 18RS

BILL #: HB 410 Introduced

BR #: 457

DOC ID#: XXXX

**BILL SPONSOR(S):** Rep. R. Meeks, A. Scott      **AMENDMENT SPONSOR(S):**

**SUBJECT:** AN ACT relating to a firearms offense registry.

**SUMMARY OF LEGISLATION:** Create new sections of KRS Chapter 237 to create a publicly accessible database of offenders with convictions for deadly weapons offenses; create definitions; require the Justice and Public Safety Cabinet to establish and maintain the registry; require initial registration for certain offenders and require state and local programs and agencies to assist some offenders in registering; specify data to be collected and shared; require annual updates or whenever there is a change in the offender's registry information; establish five-year limit on registry; create Class B misdemeanor for knowingly violating registry provisions.

This  bill  amendment  committee substitute is expected to:

Have the following Corrections impact       Have no Corrections impact

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Creates new crime(s)                   | <input type="checkbox"/> Repeals existing crime(s)               |
| <input type="checkbox"/> Increases penalty for existing crime(s)           | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration                           | <input type="checkbox"/> Decreases incarceration                 |
| <input type="checkbox"/> Reduces inmate/offender services                  | <input type="checkbox"/> Increases inmate/offender services      |
| <input type="checkbox"/> Increases staff time or positions                 | <input type="checkbox"/> Reduces staff time or positions         |
| <input type="checkbox"/> Changes elements of offense for existing crime(s) |  |
| <input type="checkbox"/> 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 410 requires the Justice and Public Safety Cabinet to establish and maintain a centralized deadly weapons offense registry of all deadly weapons offenders who have been convicted under state or federal law for the unlawful sale, purchase, transfer, receipt, acquisition, possession, use, manufacture, carrying, or transportation of a deadly weapon defined in KRS 500.080. KRS defines deadly weapon as a weapon of mass destruction, any weapon from which a shot capable of producing death or serious physical injury, knife (excludes pocket or hunting knife), billy, nightstick, club, blackjack or slapjack, nunchaku karate sticks, knuckles, or death star.

An offender shall register within seventy-two (72) hours of sentencing or the offender's release from a detention facility or within seven (7) days of moving to Kentucky if the offender was convicted of a deadly weapon offense under federal law or laws of another state within the previous five (5) years.

If the offender is in custody or under supervision, within ten (10) days of registration, the agency shall submit the offender's registration data, including a photograph. The agency shall inform the offender of the duty to register and the duty to verify registrant information, and shall record written acknowledgement of the notification.

Offenders shall submit a new registration if there is a change to their information, including change in demographic data or a new deadly weapons offense. Data verifications shall occur annually. The legislation requires specific data to be posted on the registry.

The registry period will end five (5) years after conviction or release from custody or supervision, whichever occurs last.

Failure to register, failure to update information, or provision of false information shall be a Class B misdemeanor.

AOC data reflects 2,395 Circuit Court and 1,017 District Court convictions in FY 2017 for weapons offenses.

While the Department of Corrections would register required individuals for the deadly weapons offense registry when released from custody or placed on supervision by the court; however, there is no direct impact to incarceration under this legislation.

If responsibility for the firearms registry were to reside with the Department of Corrections, additional resources would be needed to establish and maintain the registry database as well as provide the required information statewide.

**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)

This legislation creates a Class B misdemeanor. It is not known how many offenders would receive convictions for registry violations related to the deadly weapons offense registry.

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

A Class B misdemeanor is up to 90 days in jail.

10 Class B misdemeanants: up to \$28,206

1 Class B misdemeanant: up to \$2,821

100 Class B misdemeanants: up to \$282,060

**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:**

  
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Commissioner, Kentucky Department of Corrections

**3/5/2018**

Date