

CORRECTIONS IMPACT STATEMENT

SESSION: 18RS

BILL #: HB 498 Introduced

BR #: 344

DOC ID#: BR034400.100 - 344 - XXXX

BILL SPONSOR(S): Rep. C. Harris, J. Miller

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to firearms.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 237 to define "assault weapon"; create a new section of KRS Chapter 527 to prohibit the possession of an assault weapon by a person under 21 years of age unless they are a member of the Armed Forces of the United States or a law enforcement officer; create penalties.

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 498 creates a definition of assault weapons (semiautomatic rifle, semiautomatic shotgun, semiautomatic pistol, and revolving cylinder shotgun) and prohibits the possession, manufacture, or transportation of an assault weapon by a person under the age of twenty-one (21) unless they are a member of the Armed Forces or a law enforcement officer.

Possession of an Assault Weapon by a person under age twenty-one (21) shall be a Class A misdemeanor. The legislation prohibits knowingly selling or transferring of an assault weapon to any person under age twenty-one (21), the penalty for which shall be a Class D felony.

Under AOC records, for FY 2017 there were twenty-one (21) convictions under KRS 527.100, including Possession of Handgun by Minor plus three (3) convictions under KRS 527.110 for Unlawfully Provide or Permit Minor to Possess Handgun (inchoate offenses included). Note: does not include Unlawful Possession of Weapon on School Property.

Currently the Department reports five (5) inmates and nineteen (19) offenders on supervision for offenses under KRS 527.100 and KRS 527.110.

It is not known how many of these offenses, if any, would meet the proposed definition of assault weapon.

Overall, it is not known how many additional felony offenses would be incurred under this legislation. However, the expected impact to incarceration is not expected to be significant.

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

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)

Under this legislation, misdemeanor offenders would be subject to county costs. Class D offenders would be eligible for housing at the local detention center at a cost of \$31.34 to the state. 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.

Overall, it is not known how many additional offenders would be incurred under this legislation; however, the expected impact on local incarceration is not expected to be significant.

A Class A misdemeanor is 90 days to 1 year in jail

10 Class A misdemeanants: \$28,206 to \$114,391

1 Class A misdemeanor: \$2,821 to \$11,439

100 Class A misdemeanants: \$282,060 to \$1,143,910

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

3/9/2018

Date