Local Government Mandate Statement Kentucky Legislative Research Commission 2018 Regular Session

Part I: Measure Information

Bill Request #: 344			
Bill #: HB 498	<u> </u>		
Document ID #: 5545			
Bill Subject/Title: An ACT relating to firearms. Defines assault weapons and bans possession by persons under 21.			
Sponsor: Representative Chris Harris			
Unit of Government: X X	-	X CountyX Consolidated Local	X Urban-County Unified Local X Government
Office(s) Impacted: Jai	ls		
Requirement: X Mandatory Optional			
Effect on Powers & Duties: M	Iodifies Existing _	X Adds New Eli	iminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 498 creates a new section of KRS Chapter 237 defining assault weapons. It establishes the prohibition of a person under the age of 21 from possessing, manufacturing, or transporting an assault weapon unless they are a member of the U.S. Armed Forces or a law enforcement officer as defined in KRS 15.310.

Possession of an assault weapon by a person under the age of 21 is a Class A misdemeanor. Additionally, a person is guilty of a Class D felony if he or she knowingly sells or transfers an assault weapon to any person under the age of 21.

This bill creates the prospect of an increase in the number of arrests and incarcerations. Being a new crime, these increases are indeterminable. It is not expected that any increase in the number of incarcerations will significantly impact local jails. The estimated fiscal impact of HB 498 is minimal.

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 four 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 are 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 four 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.

Part III: Differences to Local Government Mandate Statement from Prior Versions

The Part II section above pertains to the bill as introduced and there are not any prior introduced versions of the bill to complete the Part III section.

Data Source(s): <u>LRC Staff, Department of Corrections</u>

Preparer: Mark Offerman **Reviewer:** KHC **Date:** 3/1/18