Local Government Mandate Statement Kentucky Legislative Research Commission 2018 Regular Session

Part I: Measure Information

Bill Request #: 1665							
Bill #: HB 544							
Document ID #: <u>5807</u>							
Bill Subject/Title: AN ACT relating to extreme risk protective orders.							
Sponsor: Representative Joni Jenkins							
Unit of Government: x City x County x Urban-County Unified Local							
<u>x</u> Charter County <u>x</u> Consolidated Local <u>x</u> Government							
Office(s) Impacted: Local law enforcement, jails, and courts							
Requirement: <u>x</u> Mandatory Optional							
Effect on Powers & Duties: <u>x</u> Modifies Existing <u>x</u> Adds New Eliminates Existing							

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

HB 544 creates new sections of KRS Chapter 237 to allow persons to petition in District Court for one-year extreme risk protective orders when the petitioner believes a respondent poses a significant danger of causing personal injury to themselves or others through owning, purchasing, possessing, or receiving a firearm or ammunition. The Act establishes procedures under which a temporary ex parte protective order could be issued and procedures for the filing, review, hearing, and possible extension of the petition.

HB 544 prescribes issuance and service procedures of a resulting protective order and establishes procedures for the surrender, storage, and return of firearms and ammunition.

HB 544 provides that a person who files a petition for an extreme risk protective order, knowing the information in the petition to be materially false or with an intent to harass the respondent, is guilty of Class A misdemeanor. A person who owns, purchases, possesses, receives, or has in his or her custody or control a firearm or ammunition with

knowledge that he or she is prohibited from doing so by an extreme risk protective order is guilty of a Class A misdemeanor.

The fiscal impact of HB 544 on local law enforcement and jails is indeterminate and minimal. Some additional time and effort may be required of peace officers to enforce provisions and procedures mandated by HB 544. The Act creates new Class A misdemeanor crimes. The costs relating to misdemeanor incarcerations are described below.

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 do not will also cost local jails an average of \$31.34 per day.

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 no prior introduced versions of the bill to complete the Part III section.

Data Source(s):	Kentucky Jailers Association; Kentucky Sheriffs Association; Kentucky				
	Association of Chiefs of Police; Kentucky Department of Corrections				

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