

# CORRECTIONS IMPACT STATEMENT

SESSION: 18RS

BILL #: SB 184 Introduced

BR #: 1858

DOC ID#: XXXX

**BILL SPONSOR(S):** Sen. G. Neal

**AMENDMENT SPONSOR(S):**

**SUBJECT:** AN ACT relating to firearm storage.

**SUMMARY OF LEGISLATION:** Create a new section of KRS Chapter 527 to prohibit the unlawful storage of a firearm.

This  bill  amendment  committee substitute is expected to:

Have the following Corrections impact  Have no Corrections impact

Creates new crime(s)

Increases penalty for existing crime(s)

Increases incarceration

Reduces inmate/offender services

Increases staff time or positions

Changes elements of offense for existing crime(s)

Otherwise impacts incarceration (Explain) \_\_\_\_\_

Repeals existing crime(s)

Decreases penalty for existing crime(s)

Decreases incarceration

Increases inmate/offender services

Reduces staff time or positions

**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)

**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 bill creates a new crime of unlawful storage of a firearm, in which a firearm is recklessly stored allowing a minor to have unsupervised access, to which the minor accesses the unsecured firearm without permission. A firearm is considered secured by a secured lock box or container, a device or mechanism (other than the safety) which renders the firearm temporarily inoperable, or by carrying the firearm on the body.

Unlawful storage of a firearm shall be a Class B misdemeanor, unless the minor uses the firearm (without legal justification) resulting in physical injury, serious physical injury, or death, in which it is a Class A misdemeanor. This does not apply if the minor obtains a firearm as a result of unlawful means.

Although it is not possible to determine how many convictions this legislation would generate, the overall local impact would likely be minimal. Data from AOC indicates eight (8) convictions in FY2015-2017 for Unlawfully Provide or Permit Minor to Possess Handgun (including inchoate offenses).

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

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

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

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

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

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

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

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:

  
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Commissioner, Kentucky Department of Corrections

2/23/2018

Date