Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #:							
Bill #: HB 327							
Document ID #: <u>3371</u>							
Bill Subject/Title: An ACT relating to carrying firearms. Deadly weapons, concealed carry without license							
Sponsor: Representative Savannah Maddox							
Unit of Government: X City X County X Urban-County Unified Local							
$\underline{\mathbf{X}}$ Charter County $\underline{\mathbf{X}}$ Consolidated Local $\underline{\mathbf{X}}$ Government							
Office(s) Impacted: Sheriffs' offices, Department of Corrections							
Requirement: X Mandatory Optional							
Effect on Powers & Duties: <u>X</u> Modifies Existing <u>X</u> Adds New <u>X</u> Eliminates Existing							

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

HB 327 provides that a person aged twenty-one (21) or older and otherwise eligible to obtain or maintain a concealed firearms or other concealed deadly weapons carry license (CCDW) may carry concealed firearms or other concealed deadly weapons without a license in the same locations and under the same circumstances as a person with a valid license. This would decriminalize carrying a deadly weapon without a license for those who meet the requirements. No person is allowed to carry or possess any deadly weapon where it is prohibited by federal law.

Whereas HB 327 allows for the carrying of a concealed deadly weapon **without a license**, the number of applications and renewals could drop considerably. Currently, Sheriffs' offices retain \$20 of each \$60 application and renewal fee. Without a CCDW licensing requirement, Sheriffs' offices will lose these monies.

The chart below reflects the aggregate amount of funds sheriff offices received from issuing permits in 2015, 2016, and 2017. Data for 2018 will be available after March 1, 2019.

	2015	2016	2017	Since Inception (1996)
New Applications Received	39,521	64,140	34,134	488,398
CCDW Licenses Issued	39,173	63,683	33,872	471,644
Renewals Issued	36,940	37,535	40,758	356,468
Total Issued	76,113	101,218	74,630	828,112
\$20 retained by Sheriff*	\$1,522,260	\$2,024,360	\$1,492,600	\$16,562,240

*amount only includes fees for issued permits

The fiscal impact of HB 327 on local governments is expected to be moderate to significant depending on the county and the overall budget of the sheriff's office. The fiscal impact to local jails is expected to be minimal.

Carrying a concealed weapon is a Class A misdemeanor, unless the defendant has been previously convicted of a felony involving the possession, use, or display of a deadly weapon in which case it is a Class D felony.

In fiscal year 2018, statewide there were 3,656 concealed deadly weapon misdemeanor charges disposed of in district and circuit court. These resulted in 1,515 convictions; 975 charges that were acquitted or dismissed; 140 that were amended or diverted; 113 that failed to appear; and 913 charges disposed of as other.

Since HB 327 eliminates the requirements for a concealed carry deadly weapon license, it is likely that most of the misdemeanor convictions would be eliminated along with corresponding reduction in jail sentences.

HB 327 would not have an impact on the number of charges or convictions for concealed carry deadly weapon by a prior felon as they do not meet the requirement to carry concealed. For reference though, during FY 2018, there were a 133 charges for CCDW by a felony offender. Forty-two (42) of these charges were acquitted or dismissed, 13 resulted in convictions, 24 charges were amended, and 54 were disposed of as other.

Class A misdemeanors:

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.

Class D felons:

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 drafted and there are not any prior introduced versions of the bill to complete the Part III section.

Data Source(s):	LRC Staff, Adr	ninistrative Offic	ce of the Courts,	Department of	Corrections
Preparer: Mark	Offerman	Reviewer:	КНС	Date:	2/14/19