

At the expiration of a domestic violence protective order, prior to returning any firearm, the police or sheriff shall determine if the person is eligible to possess a firearm under state and federal law. If the person is not eligible to possess a firearm, then the procedures for disposal above apply.

The legislation does not provide for a storage fee for firearms.

Possession of a firearm by a convicted domestic abuser or subject of a domestic violence protective order is a Class C felony.

A person convicted of a domestic abuse offense or subject to a domestic violence restraining order who does not comply and surrender firearms in their possession is guilty of a Class A misdemeanor.

Concerns from law enforcement center around the storage of firearms, storage facilities and the inherent liability related to possible deterioration.

The Kentucky Sheriff's Association (KSA) is concerned the requirements of this bill will create a significant fiscal impact to local sheriff offices as well as other local law enforcement. The anticipated impact to the sheriff's office is a result of the lack of space to store firearms, increase training for personnel, and supplies or equipment to maintain the stored firearms. They expect this bill will increase the overall number of firearms that will need to be stored for an undefinable period of time. KSA states that impounded firearms must be treated like evidence. This means that any additional storage space must be secure and have controlled and limited access. The space must be environmentally controlled to prevent damage to firearms from humidity. Due to the unknown period of time firearms may be stored, there may be a need to periodically inspect and maintain firearms to keep them in the same condition as when first impounded.

The Jefferson County Sheriff's office reported 870 surrendered firearms in 2018.

The Kentucky Association of Police Chiefs are concerned with storage as well. They indicated that evidence rooms are under tremendous strain due to the slow pace that evidence is disposed. HB 462 will dramatically add to the numbers of firearms that are being stored and worsen the space issue and in turn, have an adverse impact on law enforcement agencies without additional funding.

The potential impact on law enforcement agencies may be moderate to high depending on the increased numbers of firearms that may be stored and additional storage space must be acquired. Existing space in evidentiary rooms is already strained and adding additional firearms for an unknown length of time is going to exacerbate the problem.

The impact of the new duties on other local law enforcement is expected to be mostly procedural and paper oriented and thus minimal.

The impact on local jails is indeterminable.

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 C felons:

When a court denies bail to a Class C 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. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 24 months or less to their minimum expiration date or parole eligibility date. The Department of Corrections pays local jails \$31.34 per day to house these Class C felons. Since the per diem pays for the estimated average cost of housing a Class C 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): KY Sheriff's Association, KY Association of Police Chiefs, Jefferson County Sheriff's Department, LRC Staff; Kentucky Department of Corrections

Preparer: Mark Offerman **Reviewer:** KHC **Date:** 2/25/19