

# CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # HB 463 Introduced BR # 1361 DOC ID #: xxxx

BILL SPONSOR(S): Rep. C. Harris AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to firearms.

**SUMMARY OF LEGISLATION:** Amend KRS 527.010 to define "assault weapon"; create a new section of KRS Chapter 527 to prohibit the possession of an assault weapon by a person under 21 years of age unless the person is a member of the Armed Forces of the United States or a law enforcement officer; prohibit sale or transfer of an assault weapon to a person under 21 years of age; create penalties.

**AMENDMENT:** .

---

This  bill  amendment  committee substitute is expected to:

Have the following Corrections impact  Have no Corrections impact

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Creates new crime(s)                   | <input type="checkbox"/> Repeals existing crime(s)               |
| <input type="checkbox"/> Increases penalty for existing crime(s)           | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration                           | <input type="checkbox"/> Decreases incarceration                 |
| <input type="checkbox"/> Reduces inmate/offender services                  | <input type="checkbox"/> Increases inmate/offender services      |
| <input type="checkbox"/> Increases staff time or positions                 | <input type="checkbox"/> Reduces staff time or positions         |
| <input type="checkbox"/> Changes elements of offense for existing crime(s) |  |
| <input type="checkbox"/> Otherwise impacts incarceration (Explain) .       |  |

---

**STATE IMPACT:** Class A, B & C felonies are based on an average daily prison rate of \$71.10. 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 \$32.78 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  MINIMAL to MODERATE (< \$1 million)  SIGNIFICANT (> \$1 million)

HB 463 prohibits the possession, manufacture, or transportation of an assault weapon by a person under the age of twenty-one (21) unless they are a member of the Armed Forces or a law enforcement officer. A definition of assault weapons (semiautomatic rifle, semiautomatic shotgun, semiautomatic pistol, and revolving cylinder shotgun) is added to KRS 527.010.

Possession of an Assault Weapon by a person under age twenty-one (21) is established as a Class A misdemeanor. The legislation prohibits knowingly selling or transferring of an assault weapon to any person under the age of twenty-one (21), with the penalty set as a Class D felony.

Data from AOC for FY2016-2018 indicates thirty-eight (38) convictions under KRS 527.100, Possession of Handgun by Minor, and twenty-seven (27) convictions for KRS 527.110, Unlawfully Provide or Permit Minor to Possess Handgun (including inchoate offenses).

Kentucky Department of Corrections records show eleven (11) offenders for KRS 527.100 and KRS 527.110, five (5) of whom are incarcerated. (Note: offenders may be incarcerated on other charges.)

It is not known how many of these offenses, if any, would meet the proposed definition of assault weapon.

Overall, it is not known how many additional felony offenses would be incurred under this legislation. The expected impact to incarceration would not be expected to be significant.

A Class D Felony sentence is 1 to 5 years.  
1 Class D Felon costs KY \$11,965.87 to \$59,824.36

10 Class D Felons cost KY \$119,648.71 to \$598,243.56  
100 Class D Felons cost KY \$1,196,487.11 to \$5,982,435.57

**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  MINIMAL to MODERATE (< \$1 million)  SIGNIFICANT (> \$1 million)

Under this legislation, misdemeanors offenders would be subject to the jurisdiction and cost of the county.

Class D offenders would be eligible for housing at the local detention center at a cost of \$31.34 to the state. Housing state inmates in county jails provides an opportunity for jails in additional revenue through state inmate per diem.

While the impact from this legislation would not be expected to be significant, any number of additional incarcerated offenders impacts local jail capacity.

A Class A misdemeanor is 90 days to 1 year in jail.  
1 Class A misdemeanor: \$2,820.60 to \$11,439.10

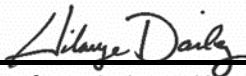
10 Class A misdemeanants: \$28,206.00 to \$114,391.00  
100 Class A misdemeanants: \$282,060.00 to \$1,143,910.00

**Projected Corrections Impact from Amendments:**

**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:**  2/28/2019  
Deputy Commissioner, Kentucky Department of Corrections Date