

# CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # HB 70 Prefiled BR # 299 DOC ID #: XXXX

BILL SPONSOR(S): Rep. G. Brown Jr AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to firearms.

**SUMMARY OF LEGISLATION:** Create a new section of KRS Chapter 527 to make it a crime to unlawfully store a firearm; establish elements of the crime for recklessly allowing access to an unsecured firearm by a minor; establish the crime as a Class B misdemeanor unless a physical injury results, in which case it is a Class A misdemeanor; exempt this section from KRS 6.945(1).

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This  bill  amendment  committee substitute is expected to:

Have the following Corrections impact  Have no Corrections impact

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|--|--|
| <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) .       |  |
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**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)

**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)

This bill creates a new crime of unlawful storage of a firearm. Under this offense a firearm is recklessly stored, allowing a minor to have unsupervised access to the unsecured firearm and which the minor accesses 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. There is an exception if the minor obtains a firearm as a result of unlawful means.

The legislation also states that the restrictions of KRS 6.945(1) shall not apply to this bill, allowing the General Assembly to impose such regulations.

Data from AOC indicates twenty-seven (27) convictions in FY2016-2018 for the similar felony offense of KRS 527.110 Unlawfully Provide or Permit Minor to Possess Handgun (including inchoate offenses). Kentucky Department of Corrections records show nine (9) offenders with this offense, five (5) of whom are incarcerated. Note: offender may be incarcerated on other charges.

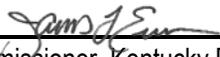
Although it is not possible to determine how many convictions this legislation would generate, the overall local impact would likely be minimal.

A Class A misdemeanor is 90 days to 1 year in jail.	10 Class A misdemeanants: \$28,206 to \$114,391
1 Class A misdemeanor: \$2,821 to \$11,439	100 Class A misdemeanants: \$282,060 to \$1,143,910
A Class B misdemeanor is up to 90 days in jail.	10 Class B misdemeanants: up to \$28,206
1 Class B misdemeanor: up to \$2,821	100 Class B misdemeanants: up to \$282,060

**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:**  12/11/2018  
Commissioner, Kentucky Department of Corrections Date