

**Local Government Mandate Statement  
Kentucky Legislative Research Commission  
2019 Regular Session**

**Part I: Measure Information**

**Bill Request #:** 299

**Bill #:** HB 70

**Document ID #:** 587

**Bill Subject/Title:** An ACT relating to firearm storage. Prohibition of unlawful storage of a firearm.

**Sponsor:** Representative George A. Brown Jr.

Unit of Government:  City  County  Urban-County  
 Charter County  Consolidated Local  Unified Local  
Government

Office(s) Impacted: Jails, Local Government

Requirement:  Mandatory  Optional

Effect on

Powers & Duties:  Modifies Existing  Adds New  Eliminates Existing

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

This bill creates a new section of KRS Chapter 527 making unlawful storage of a firearm a Class B misdemeanor. It defines unlawful storage of a firearm as recklessly storing or leaving a firearm in a manner which allows an unsupervised minor access to a firearm:

- which is not placed in a securely locked box or container, or
- which is not temporarily disabled by a device or mechanism other than the firearm's safety, to render the firearm temporarily inoperable; or
- which is not carried on his or her body; and
- without permission of the owner of the firearm.

A Class A misdemeanor results when an unsecured firearm is used by a minor without legal justification, resulting in the physical injury, serious physical injury, or death to the minor or another person.

Although it is not possible to determine how many convictions this legislation would generate, data from the Administrative Office of the Courts (AOC) for fiscal year 2018, indicated a total of 320 cases of Possession of Handgun by Minor. Data on how or where the juvenile came into possession of a handgun is not available. Since it is unknown how or where a juvenile obtained possession of a handgun in these cases, there is a good probability that the juvenile may have known about and taken the handgun. The proposed statute refers to firearms and not just handguns, however the data available from AOC tracked handguns separately from deadly weapons which includes firearms.

**The overall expected impact of this bill is expected to be minimal.**

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. 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 are not, will also cost local jails an average of \$31.34 per day.

**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 versions of the bill to complete the Part III section.

**Data Source(s):** Administrative Office of the Courts; Department of Corrections

**Preparer:** Mark Offerman      **Reviewer:** KHC      **Date:** 12/28/18