

## CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # HB 77 Prefiled BR # 285 DOC ID #: XXXX

BILL SPONSOR(S): Rep. R. Meeks AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to firearms fabricated with additive manufacturing.

**SUMMARY OF LEGISLATION:** Amend KRS 527.010 to define "additive manufacturing" and "major firearm component"; create a new section of KRS Chapter 527 to criminalize the possession of a firearm made using additive manufacturing technology for anyone under the age of 21 and to criminalize the possession of a firearm made using additive manufacturing technology for those over the age of 21 who do not permanently engrave or attach serial numbers; create a new section of KRS Chapter 237 authorizing the Kentucky State Police to issue serial numbers for firearms made with additive manufacturing and to promulgate administrative regulations; exempt the provisions of the Act 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)

This legislation creates a new offense when a person age twenty-one (21) or older unlawfully possesses a firearm fabricated through additive manufacturing or with any major component made through additive manufacturing. An example would be a weapon fabricated by digital 3D printing.

The legislation provides exceptions for specific amounts and material type of (stainless steel) embedded in the firearm. There is an additional exception for serial numbers issued through application to the Kentucky State Police or engraved/cast by a federal license importer or manufacturer under federal code. A person under the age of twenty-one (21) is prohibited from possessing a firearm fabricated through additive manufacturing and is not provided any exceptions.

Unlawfully possessing a firearm fabricated through additive manufacturing is a Class D felony.

Section three (3) of the legislation provides directive to the Department of the Kentucky State Police to issue serial numbers for persons eligible to possess firearms under federal code in accordance with this legislation. The Kentucky State Police shall confirm eligibility through a National Instant Criminal Background Check and create a registry as well as an appeal process. A processing fee is applied. The legislation excludes application of KRS 6.945.

While there are no directly comparable offenses, a similar offense for comparison purposes may be Fraudulent Firearms Transaction. Currently the Department of Corrections records do not reflect any offenders incarcerated on

or supervision for that offense. There are two (2) offenders on supervision for the offense of Possession of a Handgun by a Minor.

AOC records indicate twenty-three (23) offenses in FY2016-2018 for the offense of Fraudulent Firearms Transaction (including inchoate offenses). Additionally, records indicate a total of forty-nine (49) convictions for Possession of Handgun by a Minor and Possession/Manufacture/Transport Handgun with Exceptions for Unlawful (related to minor) (including inchoate offenses).

BR 285 creates a new Class D felony. While the creation of the new felony will potentially increase the number of state inmates, the number of additional convictions incurred under this legislation is likely to be minimal.

A Class D Felony sentence is 1 to 5 years.	10 Class D Felons cost KY \$119,649 to \$598,244
1 Class D Felon costs KY \$11,965 to \$59,824	100 Class D Felons cost KY \$1.2M to \$6M

**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)

Offenders convicted under this legislation would be a Class D felon state inmate housed in a county jail at a cost to the state of \$31.34 per day.

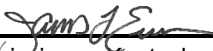
The creation of a new felony provides possible additional revenue for jails. However, in times of current overcrowding any additional incarceration has an impact on the occupancy of jail beds.

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

**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:**  **1/4/2019**  
Commissioner, Kentucky Department of Corrections Date