

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

Part I: Measure Information

Bill Request #: 285

Bill #: HB 77

Document ID #: 745

Bill Subject/Title: An ACT Relating to firearms fabricated with additive manufacturing.

Sponsor: Representative Reginald K. Meeks

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

Office(s) Impacted: Local Jails

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

HB 77 amends KRS 527.010 defining “additive manufacturing” and “major firearm component”. It also creates a new section to KRS Chapter 527 that criminalizes possession of a firearm or major firearm component (firearm) made using additive manufacturing technology for those under the age of 21. Likewise, for those over the age of 21, if a unique serial number is not permanently engraved or cast onto the firearm, and the firearm does not contain at least 3.7 ounces of 17-4 PH stainless steel permanently embedded into it. Unlawfully possessing a firearm fabricated through additive manufacturing is a Class D felony.

Additive manufacturing, also known as 3D printing, works by melting or fusing raw materials such as plastics or metals at high heat, then laying down successive layers of the material in a specific pattern determined by software and is generally used to produce simple objects like toys, prototypes of industrial products, human medical implants, and jet engine fuel nozzles.

Additive manufacturing requires the use of computer-aided design (CAD) software. To print firearms, a fair amount of expertise is needed to open and manipulate the CAD software code for firearms. Plans for firearms is complex and not readily available.

A high-quality 3D printer is also required and can cost \$10,000 or more. Typical 3D desktop printers are not up to the task of creating a useable and safe firearm.

Kentucky State Police, the statewide repository of crime data for law enforcement agencies of the Commonwealth, does not have any data related to crimes committed using 3D printed or additive manufactured firearms or major firearm components.

Presently, the incidence of crimes using 3D printed firearms is unknown as shown by lack of data. Nationally and worldwide, the printing of 3D guns or its components is expanding and the reliability is increasing. Technology advances and reduced costs for printers and material will fuel the development of these weapons. This will certainly increase the number of crimes involving these weapons,

Currently, due to the complexities of manufacturing a firearm using the additive manufacturing process and the lack of trackable data, it is not possible to estimate the potential number of felony charges this measure would generate.

Local governments will be responsible for incarcerating individuals who do not make bail that are charged with violating the provisions of HB 77. Since it is not possible to estimate the number of Class D felonies, **the overall impact of this bill is indeterminable but in the near term is expected to be minimal.**

When a court denies bail to a Class D 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. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D 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 drafted and there are not any prior versions of the bill to complete the Part III section.

Data Source(s): Kentucky State Police, Various Web Based Articles, LRC Staff; Kentucky Department of Corrections

Preparer: Mark Offerman **Reviewer:** KHC **Date:** 1/4/19

