

CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # SB 150 GA BR # 972 DOC ID #: BR097200.100 - 972 - XXXX

BILL SPONSOR(S): Sen. B. Smith, D. Thayer, R. Alvarado, M. Castlen, C. Embry Jr., P. Hornback, S. Meredith, R. Mills, J. Schickel, W. Schroder, D. Seum

AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to carrying concealed weapons.

SUMMARY OF LEGISLATION: Create a new section of Chapter 237 to allow concealed deadly weapons to be carried by persons age 21 and over without a license in same locations where concealed carry license holders may carry them; amend KRS 527.020 and 237.115 to conform.

AMENDMENT: .

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|----------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <input type="checkbox"/> Creates new crime(s) | <input type="checkbox"/> Repeals existing crime(s) |
| <input type="checkbox"/> Increases penalty for existing crime(s) | <input checked="" 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)

The legislation provides the ability to carry concealed a firearm or other deadly weapon without a concealed weapons permit. This is applicable to individuals age twenty-one (21) and older and those legally able to possess a firearm.

The legislation is applicable only to the same locations where concealed carry license holders may carry or possess a weapon. The legislation does not permit the carrying or possession of a deadly weapon where it is prohibited by federal law.

KRS 527.020 and KRS 237.115 revise wording related to carrying concealed deadly weapons to conform.

Under KRS 527.020 it would remain unlawful to carry a concealed weapon in violation of SB 150. Carrying a concealed weapon is a Class A misdemeanor, unless the defendant has previously been convicted of a felony in which a deadly weapon was used or possessed, in which it is a Class D felony.

This legislation would reduce the number of offenders who would face criminal charges for violations of carry concealed weapon statute.

Currently the Department of Corrections records reflect 489 offenders incarcerated or on supervision for convictions under KRS 527.020. Thirty-three (33) of these are a Class D felony due to a prior felony involving a deadly weapon. (Note: offenders may be incarcerated for other charges.)

AOC records for FY2018 reflect 1,516 convictions for misdemeanor Carrying a Concealed Deadly Weapon, with thirteen (13) convictions for Class D Carry Conceal Weapon by Prior Deadly Weapon Felony Offender. (Note: includes inchoate offenses.)

It is not known how many of these weapons convictions would represent individuals who were not lawfully able to carry weapons at the time of their arrest.

It is not possible to predict how many convictions incurred under current statute would be avoided under the proposed legislation.

A number of those convicted under KRS 527.020 would likely be in violation of the proposed legislation as well, however, the overall number of convictions would be reduced.

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)

Class D offenders subject to this offense would serve their sentence in a county jail at a cost to the state of \$31.34 per day to the local jail.

Misdemeanors are subject to the jurisdiction and cost of the county.

A reduction in the number of criminal offenses related to this weapons offense would reduce incarceration costs and provide some relief in the current incarcerated population.

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

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:  **2/19/2019**
Deputy Commissioner, Kentucky Department of Corrections Date