



procedures for return of firearms and ammunition in the case of non-renewal of an order.

SB 244 provides that a person who files a petition for an extreme risk protective order, knowing the information in the petition to be materially false or with an intent to harass the respondent, is guilty of Class A misdemeanor. A person who owns, purchases, possesses, receives, or has in his or her custody or control a firearm or ammunition with knowledge that he or she is prohibited from doing so by an extreme risk protective order is guilty of a Class A misdemeanor.

Firearms and ammunition surrendered to or seized by local law enforcement are generally secured and maintained in evidentiary rooms. The Kentucky Sheriff's Association and the Kentucky Association of Police Chiefs indicate that evidentiary rooms are nearing capacity due to the slow pace evidence is disposed of. An influx of additional firearms and ammunition will drive the need for additional space which must be secure, air conditioned, and have controlled and limited access. Due to the unknown period of time firearms may be stored, there may be a need to periodically inspect and maintain firearms to keep them in the same condition as when first impounded. A minor increase in firearms and ammunition that require storage will have an adverse impact on local law enforcement agencies. Agencies do not charge for storage of firearms.

**The fiscal impact of SB 244 on local law enforcement and jails is indeterminate, but could range from minimal to moderate** (in relation to the firearms storage). Additional time and effort may be required of peace officers to enforce provisions and procedures mandated by SB 244, especially those requiring firearm searches, surrenders, and returns. The Act creates new Class A misdemeanor crimes. The costs relating to misdemeanor incarcerations are described below.

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 do 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 introduced and there are not any prior introduced versions of the bill to complete the Part III section.

**Data Source(s):** Kentucky Jailers Association; Kentucky Association of Chiefs of Police; Kentucky Sheriffs Association; Kentucky Department of Corrections

**Preparer:** H. Marks **Reviewer:** KHC **Date:** 2/25/19