

CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # HB 192 Introduced BR # 1117 DOC ID #: xxxx

BILL SPONSOR(S): Rep. J. Donohue AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to firearms and making an appropriation therefor.

SUMMARY OF LEGISLATION: Amend KRS 527.010 to define "assault weapons" and "large-capacity ammunition-feeding devices"; create a new section of KRS Chapter 527 to criminalize possession and transfer of unregistered large-capacity ammunition-feeding devices; create a new section of KRS Chapter 527 to establish a large-capacity ammunition-feeding device registration program under the Department of Kentucky State Police and to authorize a fee and trust account and make an appropriation; create a new section of KRS Chapter 527 to criminalize the possession of unregistered assault weapons and to require the owners of registered assault weapons to store the weapons in a manner which renders them inoperable to unauthorized users; create a new section of KRS Chapter 237 to establish the assault weapons registration program and a weapons buyback program under the Department of Kentucky State Police and to authorize a fee and trust account and make an appropriation; amend KRS 16.220 and 237.104 to exempt weapons from the buyback program from prohibitions on the destruction of certain weapons.

AMENDMENT: .

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 \$75.91. Community Custody Class C and most Class D felons are housed in one of 77 full service jails for up to 5 years. Department of Corrections' cost to incarcerate a felony inmate in a jail is \$36.70 per day, which includes \$31.34 per diem, medical costs, & central office administrative costs (substance abuse treatment not included). *Projections are based on the daily rate x 365 days x number of years. Offenders may have multiple offenses or incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

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. Since the per diem is an estimated average cost of housing an inmate, the per diem may not be the actual housing cost for the jail. *Projections are based on the daily rate x 365 days x number of years. Offenders may have multiple offenses or incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

Section 1 of this legislation modifies KRS 527.010 by creating a definition of assault weapons (semiautomatic rifle, semiautomatic shotgun, semiautomatic pistol, revolving cylinder shotgun, conversion kit, and large-capacity ammunition-feeding device). The legislation clarifies what is not an assault weapon.

Section 2 creates a Class A misdemeanor offense of possession or transfer of a large-capacity ammunition-feeding device. Law enforcement, military, national guard, and those who are lawfully registered are exempted.

Section 3 requires registration with the Kentucky State Police, transfer of ownership, or rendering permanently inoperable large-capacity ammunition-feeding devices within one (1) year of the legislation. Kentucky State Police are designated to establish a registration program, which may include a registration fee.

Section 4 creates a Class A misdemeanor offense of possession or transfer of an assault weapon. Law enforcement, military, national guard, and those who are lawfully registered are exempted.

Section 5 defines permanently and temporarily inoperable and requires registration with the Kentucky State Police, transfer of ownership, or rendering permanently inoperable assault weapons within one (1) year of the legislation. Additionally, owners are required to store the weapon with devices approved by the Kentucky State Police to render the weapon as temporarily inoperable. Owners permanently rendering weapons inoperable shall file a certification through the Kentucky State Police. A buyback program is established through the Kentucky State Police, funded by an Assault Weapon Registration Fund. Assault weapons cannot be transferred to another person after the one (1) year period established by the legislation.

Section 6 exempts the buyback program from KRS 16.220. Section 7 adds participation in the buyback program to KRS 237.104.

It is not possible to estimate how many individuals would illegally possess assault weapons and large-capacity ammunition-feeding devices after the legislation would take effect.

The proposed legislation includes misdemeanor penalties that would have an impact for local corrections. Additionally, the legislation has a fiscal impact for the Kentucky State Police in the implementation and operation of the registry.

This legislation establishes new Class A misdemeanor offenses related to firearms. Misdemeanor offenses are subject to the cost of county.

While it is not known how many additional convictions this legislation would bring, the offenses may impact the county jail population as incarceration both pre- and post-conviction may be more likely given the nature of the offense.

Overall, the fiscal impact to the local level is not known and may range from minimal to moderate or higher.

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| A Class A misdemeanor is 90 days to 1 year in jail. | 10 Class A misdemeanants: \$28,206.00 to \$114,391.00 |
| 1 Class A misdemeanant: \$2,820.60 to \$11,439.10 | 100 Class A misdemeanants: \$282,060.00 to \$1,143,910.00 |

Projected 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: Kathleen M. Keamy 1/21/2020
 Commissioner, Kentucky Department of Corrections Date