

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2020 Regular Session**

Part I: Measure Information

Bill Request #: 1117

Bill #: HB 192

Document ID #: 2264

Bill Subject/Title: AN ACT relating to firearms and making an appropriation therefor.

Sponsor: Representative Jeffery M. Donohue

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

Office(s) Impacted: Law Enforcement, Jails, Sheriffs Offices

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 192 bill creates new crimes for possession or transfer of a large-capacity ammunition feeding device or assault weapon, both Class A misdemeanors. It establishes a registration process to lawfully possess large-capacity ammunition feeding devices or assault weapons. It outlines a process by which a person in possession of these devices or weapons to transfer, sell or destroy them. Finally, it creates a buy-back program for assault weapons administered by the Kentucky State Police (KSP).

Section 1 amends KRS 527.010 by adding definitions for large-capacity ammunition feeding devices and assault weapons.

Sections 2 and 4 create new sections to KRS 527--Offenses Relating to Firearms and Weapons, making it a crime to possess or transfer large-capacity ammunition feeding devices or assault weapons unless the owner is a member of the U.S. military, the National Guard, a peace officer, or who register the device or weapon in accordance with Sections 3 and 5 of this legislation.

Sections 3 and 5 create new sections to KRS Chapter 527 and KRS Chapter 237--Firearms and Destructive Devices, respectively. They establish the requirements to lawfully register and possess these devices with the Kentucky State Police (KSP) and provide for the transfer, sale, or destruction of these devices or weapons. Additionally, Section 5 requires that assault weapons must be stored in a manner that renders the weapon temporarily inoperable.

Section 5 also directs KSP to develop administrative regulations related to registration requirements and the assault weapon buy-back program. It permits KSP to implement registration fees to cover costs and to carry out the buy-back program through which an assault weapon may be voluntarily transferred to the KSP by the owner in exchange for the estimated cash value of the weapon. .

Sections 6 and 7 make conforming amendments related to the KSP administered buy-back program.

The impact of this legislation to local government is indeterminable but is expected to be minimal to moderate.

The impact of this bill begins one year after the legislation takes effect as the legislation provides a one-year window to register assault weapons and large-capacity ammunition feeding devices. Kentucky does not require the registration of firearms or these devices, therefore, it is not possible to determine the number of firearms and devices affected by this legislation.

Prior to the effective date of this bill and during the one-year window allowed for registration of these weapons and devices, law enforcement costs will be mostly related to training. After the one-year period, enforcement would likely occur in conjunction with other crimes. Seized unregistered weapons and devices would need to be stored and maintained until final disposition of the case has occurred. This may result in the need to expand or acquire additional evidence rooms.

It is likely that a large number of firearms will meet the definition of an assault weapon in this legislation. However, the occurrence of finding unregistered weapons and devices is likely to be low unless they are discovered during the investigation of other crimes.

Class A misdemeanors:

A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 77 full service jails or three 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.

Data Source(s): LRC Staff and the Kentucky Department of Corrections

Preparer: Mark Offerman **Reviewer:** KHC **Date:** 1/21/20