

CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # HB 259 Introduced BR # 1061 DOC ID #: xxxx

BILL SPONSOR(S): Rep. G. Brown Jr AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to firearms.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 527 to make it a crime to unlawfully store a firearm; establish elements of the crime for recklessly allowing access to an unsecured firearm by a minor; establish the crime as a Class B misdemeanor unless a physical injury or death results, in which case it is a Class A misdemeanor.

AMENDMENT: .

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|--|--|
| <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 seventy-seven (77) full service or regional jails for up to five (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)

This bill creates a new crime of unlawful storage of a firearm. Under this offense a firearm is recklessly stored, allowing a minor to have unsupervised access to the unsecured firearm and which the minor accesses without permission.

A firearm is considered secured by a secured lock box or container, a device or mechanism (other than the safety) which renders the firearm temporarily inoperable, or by carrying the firearm on the body.

Unlawful storage of a firearm shall be a Class B misdemeanor, unless the minor uses the firearm (without legal justification) resulting in physical injury, serious physical injury, or death, in which it is a Class A misdemeanor.

AOC reports zero (0) convictions in FY2019 for the similar felony offense of KRS 527.110 Unlawfully Provide or Permit Minor to Possess Handgun. Kentucky Department of Corrections records show seven (7) offenders with this offense, three (3) of whom are incarcerated.

Although it is not possible to determine how many convictions this legislation would generate, the overall local impact would likely be minimal.

1 Class A misdemeanor: \$2,820.60 to \$11,439.10

100 Class A misdemeanants: \$282,060.00 to \$1,143,910.00

A Class B misdemeanor is up to 90 days in jail.

10 Class B misdemeanants: up to \$28,206.00

1 Class B misdemeanor: up to \$2,820.60

100 Class B misdemeanants: up to \$282,060.00

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: Karen M. Keagy 1/24/2020
Commissioner, Kentucky Department of Corrections Date