

# CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # HB 31 Prefiled BR # 187 DOC ID #: xxxx

BILL SPONSOR(S): Rep. C. Booker AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to carrying concealed weapons.

**SUMMARY OF LEGISLATION:** Repeal KRS 237.109, which provides authorization to carry concealed deadly weapons without a license; amend KRS 527.020 and 237.115 to conform.

**AMENDMENT:** .

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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 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 checked="" 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)

The proposed legislation would reverse current statute which allows carrying firearms or weapons concealed without a concealed weapons license. The legislation would remove the ability to carry concealed without a license.

The legislation deletes KRS 237.109 authorizing persons aged twenty-one (21) and older, and lawfully able to possess a firearm, to carry concealed a firearm or other deadly weapon without a license.

The legislation also deletes wording in KRS 527.020 which references carrying concealed under KRS 237.109. Under KRS 527.020 it would remain unlawful to carry a concealed weapon without a license. KRS 237.115 is revised to conform.

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, possessed, or displayed in which it is a Class D felony.

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

Under the legislation there would be a possible increase in criminal convictions from those who may carry firearms or weapons without a license. Individuals may, under the legislation, acquire and carry in according with a concealed weapons license, or conversely, be ineligible for a license and continue to carry firearms in violation of the law. It is not possible to estimate the number of offenders who would face criminal charges for violation of the concealed carry statute. It is assumed that conviction rates would be similar to those occurring prior to 2019 carry concealed legislation.

Currently the Department of Corrections records reflect thirty (30) offenders incarcerated and 521 offenders on supervision for convictions under KRS 527.020. Fifty-three (53) of these convictions are a Class D felony due to a prior felony involving a deadly weapon.

AOC records for FY2019 reflect 1,472 convictions for misdemeanor Carrying a Concealed Deadly Weapon, with nineteen (19) convictions for Class D Carry Conceal Weapon by Prior Deadly Weapon Felony Offender.

