



enforcement as ordered or attest they did not own or possess any firearms. Failure to comply with these requirements shall constitute contempt of court (a Class A misdemeanor), in addition to any other penalties applied to a person not complying with the terms of this section.

This section also provides law enforcement a right to search and seizure upon probable cause that firearms have not been surrendered. It further provides that within thirty days of conviction, a person convicted of a domestic abuse offense may request a one-time transfer of their firearms to a licensed dealer. If, after the thirty days, law enforcement does not receive such a request, they may dispose of any firearms transferred by the convicted person, in accordance with KRS 500.090. At the expiration of a domestic violence protective order, law enforcement, at the subject person's request, may return firearms to that person after determining whether or not the person is eligible to possess a firearm under state or federal law. If the person is ineligible to possess a firearm, law enforcement shall inform the person they have a thirty-day window for transferring the firearms to a licensed dealer. After thirty days, law enforcement may dispose of them in accordance with KRS 500.90.

A person who is convicted of a domestic abuse offense or subject to a domestic violence restraining order, who does not comply the terms of this section is guilty of a Class A misdemeanor.

Section 4 (KRS 403.740) and Section 5 (KRS 456.060) requires that a domestic violence order or interpersonal protective order inform the respondent that he or she is prohibited from possessing any firearm while subject to the courts protective order, that it is a criminal offense to do so, and that any and all firearms owned or possessed are subject to the transfer obligations of this legislation.

In FY 2019, between District Court and Family Court, there were 27,190 protective orders or orders of domestic violence issued in 19,486 cases. A case may consist of one or multiple documents. The case count is a distinct count and only counts one case.

Also in FY 2019, there were 2,653 convictions for violation of a protective order. There were a total of 4,495 cases. These are Class A misdemeanor convictions.

FY 2019 also had 3,322 convictions for carrying a concealed deadly weapon. Of these, there were 1,869 Class D felony convictions for convicted felons in possession of a firearm or handgun. There were 1,453 Class A misdemeanor convictions.

After review of available data on "Order to Surrender" documents, Administrative Office of the Courts (AOC) determined that the data kept in their system on forfeitures included all contraband and did not always distinguish firearms from other contraband. Therefore, reliable data on the number of surrendered firearms was not available.

The legislation does not provide for a storage fee for firearms.

Concerns from law enforcement center around the storage of firearms, storage facilities and the inherent liability related to possible deterioration.

The Kentucky Sheriff's Association (KSA) is concerned the requirements of this bill will create a significant fiscal impact to local sheriff offices as well as other local law enforcement. The anticipated impact to the sheriff's office is a result of the lack of space to store firearms, increase training for personnel, and supplies or equipment to maintain the stored firearms. They expect this bill will increase the overall number of firearms that will need to be stored for an undefinable period of time. KSA states that impounded firearms must be treated like evidence. This means that any additional storage space must be secure and have controlled and limited access. The space must be environmentally controlled to prevent damage to firearms from humidity. 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.

The Jefferson County Sheriff's office reported 870 surrendered firearms in 2018.

The Kentucky Association of Police Chiefs are concerned with storage as well. They indicated that evidence rooms are under tremendous strain due to the slow pace that evidence is disposed. The Act will dramatically add to the numbers of firearms that are being stored and worsen the space issue and in turn, have an adverse impact on law enforcement agencies without additional funding.

**The potential impact on law enforcement agencies may be moderate to high depending on the increased numbers of firearms that may be stored and additional storage space must be acquired.** Existing space in evidentiary rooms is already strained and adding additional firearms for an unknown length of time is going to exacerbate the problem.

**The impact of the new duties on other local law enforcement is expected to be mostly procedural and paper oriented and thus minimal.**

It is unknown how many offenses would be generated but there is a possibility of several convictions under this legislation. **The projected impact on local jails is indeterminable but expected to be moderate, based on the number of Class A misdemeanor convictions and the number of Class D felonies which under this legislation would become Class C felonies when combined with a conviction for violating a protective order.**

**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.

**Class C felons:**

When a court denies bail to a Class C felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 24 months or less to their minimum expiration date or parole eligibility date. The Department of Corrections pays local jails \$31.34 per day to house these Class C felons. Since the per diem pays for the estimated average cost of housing a Class C felon, the per diem may be less than, equal to, or greater than the actual housing cost.

**Part III: Differences to Local Government Mandate Statement from Prior Versions**

Part II, above, pertains to the bill as introduced.

**Data Source(s):** KY Sheriff's Association, KY Association of Police Chiefs, Jefferson County Sheriff's Department, LRC Staff; Kentucky Department of Corrections

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