Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: 282
Bill #: SB 32
Document ID #: 494
Bill Subject/Title: AN ACT relating to firearm storage. Prohibition of unlawful storage of a firearm.
Sponsor: Senator Gerald Neal
Unit of Government:XCityXCountyXUrban-CountyXCharter CountyXConsolidated LocalXGovernment
Office(s) Impacted: Jails, Local Government
Requirement: X Mandatory Optional
Effect on Powers & Duties: Modifies ExistingX_ Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

This bill creates a new section of KRS Chapter 527 which 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 secure 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.

A Class A misdemeanor results when an unsecured firearm is used by a minor without legal justification, resulting in the physical injury, serious physical injury, or death to the minor or another person.

Although it is not possible to determine how many convictions this legislation would generate, data from the Administrative Office of the Courts (AOC) for fiscal year 2019, indicated a total of 74 cases of Possession of Handgun by Minor ((KRS 527.100) and there were 43 convictions, the vast majority (35) of which were first offenses-Class A misdemeanor. Similarly, AOC reports zero convictions for KRS 527.110 Unlawfully Provide or Permit Minor to Possess Handgun.

Data on how or where the juvenile came into possession of a handgun is not available. Since it is unknown how or where a juvenile obtained possession of a handgun in these cases, there is a good probability that the juvenile may have known about and taken the handgun. The proposed statute refers to firearms and not just handguns, however the data available from AOC tracked handguns separately from deadly weapons which includes firearms.

The overall expected impact of this bill is expected to be minimal.

Class B and Class A misdemeanors

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. 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

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

 Data Source(s):
 LRC Staff, Administrative Office of the Courts; KY Department of Corrections

Preparer:Mark OffermanReviewer:KHCDate:1/16/20