

# CORRECTIONS IMPACT STATEMENT

SESSION: 21RS BILL # HB 585 Introduced BR # 455 DOC ID #: xxxx

BILL SPONSOR(S): Rep. S. Sharp AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to firearms and declaring an emergency.

**SUMMARY OF LEGISLATION:** Create a new section of KRS Chapter 237 to define terms; prohibit a covered entity from enforcing, or assisting in the enforcement of, any federal statute, order, rule, or regulation of firearms that does not exist under the laws of Kentucky; create a Class A misdemeanor for any government official who violates the prohibition; grant authority to the Attorney General to file a civil action in Circuit Court to enforce the prohibition; permit citizens to file complaints with the Attorney general for violations of the prohibition; state the Act shall be known as the Kentucky Firearms Protection Act; EMERGENCY.

**AMENDMENT:** .

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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 \$80.24. 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 \$37.35 per day, which includes \$31.34 per diem, medical costs, & central office administrative costs (substance abuse treatment not included).\*

**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. The estimated impact will be based on the \$37.35 cost to incarcerate while \$31.34 is the per diem and medical that DOC pays jails to house felony offenders. Since the cost to incarcerate is an estimated average cost of housing an inmate, this may not be the actual housing cost for the jail.\*

**Projected Impact:**  NONE  MINIMAL to MODERATE (< \$1 million)  SIGNIFICANT (> \$1 million)

Under HB 585 a state agency, government body, local governing body, or local public office shall not adopt a policy or ordinance, etc., with provides assistance or support in the enforcement of a federal statute or regulation enacted on or after January 2021 regulating a firearm, firearm accessory, or ammunition, if the that statute or regulation imposes a prohibition or restriction that does not exist under the laws of the Commonwealth.

The legislation establishes a Class A misdemeanor for unlawful enforcement, for any government official who violates the prohibition. A \$5,000 fine for each violation shall be assessed.

Misdemeanors are subject to the jurisdiction and cost of the county.

The number of convictions stemming from this legislation is likely to be limited, with little to no impact on local incarceration.

Cost to Incarcerate

A Class A misdemeanor is 90 days to 1 year in jail.

10 Class A misdemeanants: \$33,619.42 to \$136,345.44

1 Class A misdemeanor: \$3,361.94 to \$13,634.54

100 Class A misdemeanants: \$336,194.25 to \$1,363,454.45

**Projected Corrections Impact from Amendments:**

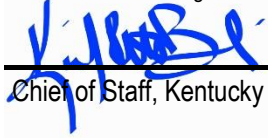
*\*All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

**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, lengthens the term or incarceration, or impose new obligations on state or local governments.

**APPROVED BY:**



Chief of Staff, Kentucky Department of Corrections

**3/15/2021**

Date