# Local Government Mandate Statement Kentucky Legislative Research Commission 2021 Regular Session

# **REVISED 1/29/21**

#### **Part I: Measure Information**

Bill Request #: 431			
Bill #: HB 80			
Document ID #: 102	26		
Bill Subject/Title: AN ACT relating to gun safety for children.			
Sponsor: Representative George Brown, Jr.			
Unit of Government:	X City	X County	X Urban-County Unified Local
	X Charter County	X Consolidated Local	X Government
Office(s) Impacted:	Jails, Local Governm	nent	
Requirement: X	Mandatory Op	tional	
Effect on Powers & Duties:	Modifies Existing	Adds New E	liminates Existing

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

This bill creates a new section of KRS Chapter 527 to make it a crime to unlawfully store a firearm. It establishes elements of the crime for recklessly allowing a minor to access an unsecured firearm as a Class B misdemeanor unless a physical injury or death occurs which would then result in a Class A misdemeanor. Under this offense, a firearm is recklessly stored by allowing a minor to have unsupervised access to an unsecured firearm and which the minor accesses without permission.

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

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 2020,

indicated a total of 75 cases of Possession of Handgun by Minor (KRS 527.100) including 12 cases of Unlawfully Provide or Permit Minor to Possess Handgun. There were 19 convictions, 16 of which were first offenses-Class A misdemeanors.

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 an average cost to incarcerate of \$37.35 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average cost to incarcerate of \$37.35 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 Offerman **Reviewer:** KHC **Date:** 1/7/21