

CORRECTIONS IMPACT STATEMENT

SESSION: 22RS BILL # HB 158 Introduced BR # 259 DOC ID #: xxxx

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

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

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 527 to define terms; prohibit an identified entity from enforcing, or assisting in the enforcement of, any federal law that does not exist under the laws of Kentucky and limits firearm ownership; create a Class B misdemeanor with enhancement for subsequent offenses 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. Make federal agents subject to arrest for enforcing prohibition; or attempting to arrest local or state officials; provide that the Act may be cited as the Kentucky Second Amendment Preservation Act; EMERGENCY.

AMENDMENT: .

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 \$97.60. Community Custody Class C and most Class D felons are housed in one of seventy-four (74) full service or regional jails for up to five (5) years. Department of Corrections' cost to incarcerate a felony inmate in a jail is \$35.43 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 \$35.43 cost to incarcerate for the Department of Corrections, including \$31.34 per diem and medical that DOC pays jails to house felony offenders. This cost to incarcerate may not be the actual housing cost for the jail. Kentucky jails report their actual cost to incarcerate is closer to an average of \$45 per day.*

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

Under the proposed legislation a state agency or political subdivision (or person employed by either) shall not contract with or provide assistance to a federal agency/official to enforce a federal statute, order, or regulation that imposes a prohibition, restriction, or regulation that does not exist under the laws of the Commonwealth pertaining to a 1) firearms registry, 2) firearms licensure, 3) background check, 4) firearm confiscation program, or 5) required firearms sale program. (The legislation includes firearms, firearm accessories, and ammunition.)

If a government official violates this prohibition, the legislation establishes a Class B misdemeanor, with a Class A misdemeanor for subsequent offenses.

The legislation also prohibits government entities from receiving state funds if they assist with federal firearms enforcement. Complaint and compliance enforcement processes are established.

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: \$31,886.78 to \$129,318.61
1 Class A misdemeanor: \$3,188.68 to \$12,931.86	100 Class A misdemeanants: \$318,867.80 to \$1,293,186.06
A Class B misdemeanor is up to 90 days in jail.	10 Class B misdemeanants: up to \$31,886.78
1 Class B misdemeanor: up to \$3,188.68	100 Class B misdemeanants: up to \$318,867.80

PROJECTED IMPACT FROM AMENDMENTS:


NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

**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

1/18/2022
Date