Local Government Mandate Statement Kentucky Legislative Research Commission 2022 Regular Session

Part I: Measure Information

Bill Request #: 171	
Bill #: HB 29 GA	
Document ID #: 768	<u>:0</u>
0	AN ACT relating to prohibiting the enforcement of a federal ban or regulation of firearms and declaring an emergency.
Sponsor: Representa	tive Josh Bray
Unit of Government:	Unified Local
Office(s) Impacted:	X Charter County X Consolidated Local X Government Local Government, Law Enforcement Agencies, Jails
Requirement: <u>X</u>	Mandatory Optional
Effect on Powers & Duties:	Modifies Existing X Adds New Eliminates Existing

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

This legislation creates a new section of KRS Chapter 237 to prohibit law enforcement agencies, law enforcement officers, employees of a law enforcement agency, public official, employee of a public agency, or employee of a local government from enforcing, assisting, or otherwise cooperating or participating in the enforcement of a federal ban on firearms, ammunition, or firearms accessories. This includes any federal enforcement action implementing a federal ban on firearms, ammunition, or firearms.

Local government and law enforcement agencies are prohibited from adopting rules, regulations, or ordinances that require enforcement of federal firearm bans prohibits them from allocating public resources or moneys in the enforcement of federal firearm bans.

The legislation permits local law enforcement, peace officers, or other employee of a local government to cooperate with a federal agency as long as the primary purpose is not related

enforcement activity or investigation of a violation of a federal ban on firearms, ammunition, or firearm accessories.

The GA version includes provisions for a new Class A and B misdemeanors for any person while acting in his or her official capacity under the color of law, knowingly violates this legislation. A first offense shall be a Class B misdemeanor and each subsequent offense constitutes a Class A misdemeanor. Additionally, they may be subject to termination from employment.

The legislation is retroactive to January 1, 2021, declares that an emergency exists, and that this Act shall take effect upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The fiscal impact of this bill on local law enforcement is indeterminable. The impact on jails is also indeterminable, but is expected to be minimal. The expected occurrence of violations under this Act is low.

Most local law enforcement agencies receive some amount of federal funding for highway safety grants, federal drug task force participation grants etc. Agencies may stop receiving federal funding as a result of this legislation.

Local governments may be subject to litigation for refusing to enforce or help enforce federal law or to respond to a citizens complaint in court. Staff time, legal expenses and other costs are not determinable. The Kentucky League of Cities has stated that most cities, especially the smaller ones, retain their city attorney on contract and pay on an hourly basis. Currently (FY 2020), the average hourly rate was \$107.

Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors until disposition of the case. The estimated impact will be based on the \$35.43 cost to incarcerate for the Department of Corrections. This cost to incarcerate may not be the actual housing cost for the jail.

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 74 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 \$35.43 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 \$35.43 per day.

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

Part II, above, pertains to the GA version of the bill which includes HFA 1.

HFA 1 amends the bill as introduced to include the creation of new Class A and B misdemeanors for knowingly violating this legislation; Class B for the first offense and Class A for all subsequent offenses. Also, the violator of this legislation may be subject to termination from their employment.

The fiscal impact of the GA version of this bill remains essentially the same as the bill as introduced. The only difference was the additional impact to county jails.

Data Source(s):	Kentucky	Fraternal	Order	of Police,	Kentucky	/ Leag	gue of	Cities,	LRC Staff
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Preparer:	MJO	(wfb)	Reviewer:	KHC	Date:	3/14/22
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