

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 League of Cities, LRC Staff

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