

CORRECTIONS IMPACT STATEMENT

SESSION: 22RS BILL # SB 156 Introduced BR # 1118 DOC ID #: xxxx

BILL SPONSOR(S): Sen. G. Neal

AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to gun safety for children.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 527 to make it a crime to unlawfully store a firearm; establish elements of the crime for recklessly allowing access to an unsecured firearm by a minor; establish the crime as a Class A misdemeanor unless a physical injury or death results, in which case it is a Class D felony; short title of Baby Dre Gun Safety Act.

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)

This bill creates a new crime of unlawful storage of a firearm. The overall impact to local incarceration from this legislation would likely be minimal.

Under the offense generated by the legislation, 1) a firearm is recklessly stored, allowing a minor to have unsupervised access to the unsecured firearm, and 2) the minor accesses the firearm without permission.

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

Unlawful storage of a firearm shall be a Class A misdemeanor, unless the minor uses the firearm (without legal justification) resulting in physical injury, serious physical injury, or death, in which it is a Class D felony.

AOC reports zero (0) convictions in FY19 and FY20, and two (2) convictions in FY21 for the similar felony offense of KRS 527.110 Unlawfully Provide or Permit Minor to Possess Handgun. Kentucky Department of Corrections records show nine (9) offenders with this offense, six (6) of whom are incarcerated and three (3) are on community supervision.

Cost to Incarcerate

A Class D Felony sentence is 1 to 5 years.

1 Class D Felon costs KY \$12,931.86 to \$64,659.30

10 Class D Felons cost KY \$129,318.61 to \$646,593.03

100 Class D Felons cost KY \$1,293,186.06 to \$6,465,930.31

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.*

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

Although it is not possible to determine how many convictions this legislation would generate, the number of convictions are likely to be limited.

Offenders subject to a Class D offense would serve their sentence in a county detention facility at a cost to the Department of \$35.43 per day, with \$31.34 daily reimbursement to the local detention center.

The Class A misdemeanor is subject to the jurisdiction and cost of the county.

Cost to Incarcerate

A Class A misdemeanor is 90 days to 1 year in jail.
1 Class A misdemeanor: \$3,188.68 to \$12,931.86

10 Class A misdemeanants: \$31,886.78 to \$129,318.61
100 Class A misdemeanants: \$318,867.80 to \$1,293,186.06

PROJECTED IMPACT FROM AMENDMENTS:

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

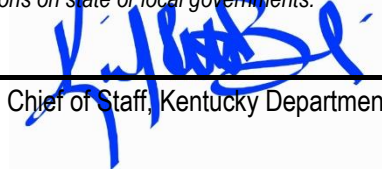
**All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers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

3/7/2022

Date