# Local Government Mandate Statement Kentucky Legislative Research Commission 2022 Regular Session

# **Part I: Measure Information**

Bill Request #: 1118			
Bill #: SB 156			
<b>Document ID #:</b> 1830	<u> </u>		
Bill Subject/Title: AN ACT relating to gun safety for children.			
Sponsor: Senator Gerald A. Neal			
Unit of Government:	X City	<b>X</b> County	X Urban-County Unified Local
_	X Charter County	X Consolidated Local	X Government
Office(s) Impacted:	Jails, Local Governme	ent	
Requirement: X N	Mandatory Opti	onal	
Effect on Powers & Duties:	Modifies Existing	Adds New El	iminates Existing

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

The Baby Dre Gun Safety Act is created by this legislation. It creates a new section of KRS Chapter 527 to make it a crime to unlawfully store a firearm. 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. The crime of recklessly allowing a minor to access an unsecured firearm is a Class A misdemeanor unless a physical injury or death occurs which would then result in a Class D felony.

A firearm is considered secured by placing it in a secure lock box or container; or by 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 2021, indicated a total of 64 cases of possession of handgun by minor (KRS 527.100) including

8 cases of unlawfully provide or permit minor to possess handgun. There were 27 convictions, 23 of which were first offenses-Class A misdemeanors.

The proposed statute refers to firearms and not just handguns, however the data available from AOC tracks handguns separately from deadly weapons which includes firearms.

# The overall expected impact of this bill is expected to be minimal.

#### Class A misdemeanor:

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.

### **Class D felons:**

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 74 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an average cost to incarcerate of \$35.43, which includes the \$31.34 per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a Class D felon. The per diem may be less than, equal to, or greater than the actual housing cost.

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

Part II, above, pertains to the bill as introduced.

**Data Source(s):** LRC Staff, Administrative Office of the Courts; KY Department of

Corrections

Preparer: MJO (wfb) Reviewer: KHC Date: 2/10/22