



**SB 278** provides that a person who files a petition for a crisis aversion and rights retention order, knowing the information in the petition to be materially false or with an intent to harass the respondent, is guilty of a Class A misdemeanor. A person who owns, purchases, possesses, receives, or has in his or her custody or control a firearm or ammunition with knowledge that he or she is prohibited from doing so by an crisis aversion and rights retention order is guilty of a Class A misdemeanor. If a respondent subject to a crisis aversion and rights retention order has transferred a firearm to a responsible party, and the responsible party intentionally or wantonly allows the respondent access to any firearm, the responsible party is guilty of a Class A misdemeanor.

**The fiscal impact of SB 278 on local law enforcement and jails is indeterminate but could be minimal to moderate.** There will be a need for additional training and time associated with petitioning of courts, service of process requirements; the confiscation, and the maintenance of confiscated firearms. The creation of new duties related to storing and caring for impounded firearms could moderately impact local law enforcement agencies depending on the increase in numbers of firearms to be stored and the availability of storage space.

The Kentucky Sheriffs' Association (KSA) and the Kentucky Fraternal Order of Police (FOP) believes the storage requirements will create a significant fiscal impact on local law enforcement, especially smaller police departments. The anticipated impact is a result of the lack of space to store firearms, increased training for personnel, and supplies or equipment necessary to maintain the stored firearms. They expect this bill will increase the overall number of firearms that will need to be stored for an undefinable period of time.

KSA states that impounded firearms must be treated like evidence. This means that any additional storage space must be secure, have controlled and limited access, and the space must be environmentally controlled to prevent damage from heat and humidity, similar to an evidence room. FOP states that with most small sheriff offices and police departments, space is always an issues, especially for evidence rooms.

Due to the unknown period time firearms may be stored, there may be a need to periodically inspect and maintain firearms to keep them in the same condition as when first impounded. If agencies are challenged with space issues, however, they may pursue help from adjacent agencies through some form of interorganizational cooperation or creating a shared service.

**SB 278** also creates new Class A misdemeanor crimes.

A person convicted of a Class A misdemeanor may be incarcerated for up to 12 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 **SB 278** as introduced.

**Data Source(s):** Kentucky Sheriffs Association; Kentucky Association of Chiefs of Police; Kentucky County Attorney Association; Kentucky Fraternal Order of Police; Kentucky Department of Corrections; LRC Staff

**Preparer:** K. Sallee (mjo)      **Reviewer:** KHC      **Date:** 3/9/22