Local Government Mandate Statement Kentucky Legislative Research Commission 2022 Regular Session

Part I: Measure Information

Bill Request #: <u>369</u>
Bill #: SB 373
Document ID #: 731
Bill Subject/Title: AN ACT relating to carrying concealed weapons.
Sponsor: Senator Karen Berg
Unit of Government: City X County X Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Sheriffs, Jails
Requirement: <u>X</u> Mandatory Optional
Effect on Powers & Duties: <u>X</u> Modifies Existing <u>Adds New X</u> Eliminates Existing

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

This bill repeals KRS 237.109 which authorizes persons 21 years of age or older to lawfully possess and carry a concealed deadly weapon (CCDW) without a license in the same locations as persons with a valid license issued under KRS 237.110.

The Kentucky General Assembly approved concealed carry in 1996. The number of Kentuckians who actually carry a firearm or other deadly weapon is unknown. But through 2020, the last year for which statistics were available, the Kentucky State Police had received 553,753 applications and issued 535,731 CCDW licenses.

During the regular legislative session of 2019, Senate Bill 150 was passed removing the licensure requirement to carry a concealed deadly weapon. Kentucky State Police continues to receive new applications as well as requests to renew existing licenses. Many of these licenses were issued or renewed in order to be able to carry a concealed firearm in other states so long as the other states recognize Kentucky's permit.

This measure will increase revenue for sheriff's offices as they retain \$20 for processing concealed deadly weapon licenses.

As shown in the chart below, since the passage of SB 150 in early 2019, the number of applications processed and revenues received by sheriffs' offices have declined from 2018 and earlier.

	New			Applications Processed by	Sheriff Fees
	Applications	Applications	Renewals	Sheriffs	\$20/application
Year	Received	Issued	lssued^	Offices	Processed
2020	15,824	15,131	51,285	67,109	\$1,342,180
2019	14,500	14,548	41,464	55,964	\$1,119,280
2018	35,031	34,408	64,235	99,266	\$1,985,320
2017	34,134	33,872	40,758	74,892	\$1,497,840
2016	64,140	63,683	37,535	101,675	\$2,033,500
2015	39,521	39,173	36,940	76,461	\$1,529,220
2014	31,889	31,504	29,351	61,240	\$1,224,800
2013	58,706	59,530	23,223	81,929	\$1,638,580
2012	29,788	27,462	10,493	40,281	\$805,620
2011	25,852	24,908	19,410	45,262	\$905,240

^Renewals issued presume a similar number of applications received and processed.

Passage of this measure is expected to have positive fiscal impact on sheriffs' offices, ranging from minimal to moderate, depending on county population.

KRS 527.020 provides that persons carrying concealed weapons in accordance with KRS 237.109 or licensed to carry a concealed deadly weapon pursuant to KRS 237.110 may carry a concealed firearm or other deadly weapon. Violations of this section is a Class A misdemeanor unless the defendant has been previously convicted of a felony involving the possession, use, or display of a deadly weapon in which case it is a Class D felony.

The chart below depicts a decrease in violations for carrying a concealed deadly weapon as expected with the repeal of the licensure/permit required to carry a concealed firearm. Passage of this measure requiring a permit, will likely increase the number of violations to pre-2019 levels or higher.

Carrying Concealed Deadly Weapon Cases by Year								
	2015	2016	2017	2018	2019	2020	2021	
District Court Cases	1,599	1,988	2,434	2,847	1,976	446	514	
District Court Convictions^	666	744	945	1,081	534	89	107	

Carrying	Concealed	Deadly	Weapon	Cases	by Year

^Other case dispostions not reflected in this chart

This legislation would increase the number of offenders who would face criminal charges for violations of carry concealed weapon statute, however, it is not known how many of these weapons convictions would result in convictions. Since local governments are responsible for the cost of incarcerating individuals charged with Class A misdemeanors, this measure will increase incarceration costs.

A Class A misdemeanor could mean 90 days to 1 year in jail and would equate to a range of \$3,188.70 to \$12,931.95 per individual using the costs described below. An increase of 100 convictions would raise this amount considerably to \$318,870 to \$1,293,195.

The overall fiscal impact of this bill is unknown but likely to have a moderate to high impact.

Class A misdemeanors:

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 bill as introduced.

Data Source	e(s):	Kentucky State P	olice, Departm	ent of Corrections, LRC	<u>C Staff</u>	
Preparer:	MJO	(wfb)	Reviewer:	КНС	Date:	3/7/22