

HB 153 GA prohibits a law enforcement agency, a law enforcement officer, an employee of a law enforcement agency, public agency, public official, employee of a public agency, or an employee of a local governments to enforce, assist, cooperate, or participate in the enforcement of a federal ban.

HB 153 GA prohibits law enforcement agencies and local governments from adopting rules, regulations, or ordinances that require enforcement of federal firearm bans. HB 153 GA also prohibits local governments from expending public funds or allocating public resources for the enforcement of a federal ban.

HB 153 GA makes it a crime for a person while acting in his or her official capacity under the color of law, to knowingly violate this legislation. A first offense is a Class B misdemeanor and each subsequent offense is a Class A misdemeanor. Additionally, they may be subject to termination from employment.

HB 153 GA permits local law enforcement, peace officers, or other employee of a local government to cooperate with a federal agency if the primary purpose is not related enforcement activity or investigation of a violation of a federal ban on firearms, ammunition, or firearm accessories.

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.

There will be cost related to training local law enforcement on the provisions of HB 153 GA. This will easily be absorbed in current training efforts.

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 need to review current ordinances to ensure compliance with the legislation and if they choose to create or edit current ordinances, they will incur costs associated with the drafting, publication, indexing and recording of adopted ordinances, and at least every five years, review and eliminate redundant, obsolete, inconsistent, and invalid provisions.

According to Kentucky League of Cities, most cities, especially the smaller ones, retain their city attorney on contract and pay on an hourly basis. Time spent drafting an ordinance is influenced by its complexity and the amount of research that is necessary.

Local governments may be subject to litigation for refusing to enforce or help enforce federal law or to respond to a citizen’s complaint in court. Staff time, legal expenses and other costs are not determinable.

According to the Kentucky League of Cities, the average hourly rate for retaining their city attorney on contract and pay on an hour basis was \$107. Rates for legal notices regarding the ordinances vary greatly depending on the length of the publication, the number of times it needs to be published and the newspaper in which the publication is placed. Therefore, these costs are unknown. The time spent on litigation for refusing to enforce or help enforce federal law or to respond to a citizen’s complaint is also not known.

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 \$40.11 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 \$40.11 per day. While most misdemeanor defendants are granted bail, those who do not will also cost local jails an average cost to incarcerate of \$40.11 per day.

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

Part II refers to HB 153 GA. The GA version of HB 153 is the same as the bill introduced. HB 153 passed its chamber of origin without amendments or substitutes.

Data Source(s): LRC Staff; Kentucky Municipal Statutory Law, Informational Bulletin No. 145, Revised August 2022; Kentucky Department of Corrections

Preparer: WB(JB) **Reviewer:** KHC **Date:** 2/23/23