

# CORRECTIONS IMPACT STATEMENT

SESSION: 23RS BILL # HB 79 Introduced BR # 274 DOC ID #: xxxx

BILL SPONSOR(S): Rep. L. Willner, C. Aull AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to firearms.

**SUMMARY OF LEGISLATION:** Create new sections of KRS Chapter 16 to direct the Kentucky State Police to establish the Kentucky Voluntary Do Not Sell Firearms List to prohibit the possession, sale, or transfer of firearms to individuals who voluntarily request to be added the list; prescribe procedures for application for entry and removal from the list; establish penalties; amend KRS 237.110 to exclude persons on the list from eligibility for license to carry a concealed weapon.

**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) .       |  |
- 

**STATE IMPACT:** Class A, B, & C felonies are based on an average daily prison rate of \$105.23. 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 \$40.11 per day, which includes \$35.34 per diem, medical costs, & central office administrative costs (substance abuse treatment not included).\*

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

.  
. .  
. . .  
. . . .

**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 \$40.11 cost to incarcerate for the Department of Corrections, including \$35.34 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)

The legislation establishes a Voluntary Do Not Sell Firearms List. There would be minimal expected impact on local incarceration stemming from the legislation. It is unknown how many convictions would be incurred under the legislation, however, it would be expected to be limited.

The following criminal penalties are established:

- ◆ Class A misdemeanor – Intentional discrimination against an individual's status on the Kentucky Voluntary Do Not Sell Firearms List
- ◆ Class A misdemeanor – False statement with intent to enroll or remove a person from the Kentucky Voluntary Do Not Sell Firearms List

Misdemeanors are subject to the jurisdiction and cost of the county.

Cost to Incarcerate

A Class A misdemeanor is 90 days to 1 year in jail.

10 Class A misdemeanants: \$36,096.02 to \$146,389.42

1 Class A misdemeanor: \$3,609.60 to \$14,638.94

100 Class A misdemeanants: \$360,960.22 to \$1,463,894.26

**PROJECTED IMPACT FROM AMENDMENTS:**

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

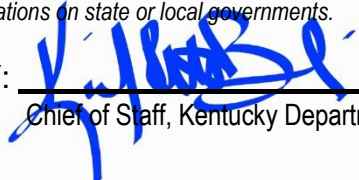
*\*All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers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

**2/1/2023**

Date