Local Government Mandate Statement Kentucky Legislative Research Commission 2023 Regular Session

Part I: Measure Information

Bill Request #: 274			
Bill #: HB 79			
Document ID #: 430	6		
Bill Subject/Title: _	AN ACT relating to fir	rearms.	
Sponsor: Representative Lisa Wilner			
Unit of Government:	X City	X County	X Urban-County Unified Local
	X Charter County	X Consolidated Local	X Government
Office(s) Impacted:	Law Enforcement, L	ocal Jails	
Requirement: X	Mandatory X Op	tional	
Effect on Powers & Duties:	Modifies Existing		liminates Existing

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

HB 79 creates a new section of KRS Chapter 16 to establish the *Kentucky Voluntary Do Not Sell Firearms List*, to prohibit the possession, transportation, and sale of firearms to any person on the list. HB 79 provides procedures for applying to enroll and be removed from the list. Any existing license to carry concealed firearms will be revoked upon enrollment and the person's status will be forwarded to the National Instant Criminal Background Check System (NICBCS). Removal from the List can only happen 21 days after the request is received. Upon removal, the NICBCS will be updated and all enrollment and removal records will be destroyed. All information provided for enrollment and removal from the List is confidential and not subject to the Kentucky Open Records Act.

A person will be guilty of a Class A misdemeanor if they:

- intentionally discriminates against another person because of that person's present or past status on the List, or

- knowingly make a false statement to the department with the intent of enrolling or removing any other person into or from the List.

The fiscal impact of HB 79 on local governments will be minimal. The List will be maintained by the Department of Kentucky State Police who will handle applications for enrollment and removal. The impact to local governments will include training local law enforcement regarding the List, which can easily be absorbed into current training and local jails resulting from the implementation of the related 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 \$40.11 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 \$40.11 per day.

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

Part II refers to HB 79 as introduced. There are no prior versions.

Data Source(s): <u>LRC Staff; Kentucky Department of Corrections.</u>

Preparer: WB (CH) Reviewer: KHC Date: 1/6/23