Local Government Mandate Statement Kentucky Legislative Research Commission 2023 Regular Session

REVISED 3/2/23

Part I: Measure Information

Bill Request #: 1470
Bill #: SB 265
Document ID #: _4115
Bill Subject/Title: AN ACT relating to protective orders.
Sponsor: Senator David Yates
Unit of Government: X City X County Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Law enforcement offices
Requirement:x Mandatory Optional
Effect on Powers & Duties: Modifies Existingx Adds New Eliminates Existing

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

SB 265 amends KRS 403.740 and 456.060 to provide the authority for a court to prohibit the possession of firearms and require the surrender of firearms by a respondent in a domestic violence or protective hearing case; establish hearing procedures; provide that these provisions take effect upon the upholding of United States v. Combs 5:22-136-DCR (E.D. Ky. Feb 2, 2023).

The fiscal impact of SB 265 on local governments is indeterminable, but expected to be minimal.

If a court orders a respondent to surrender their firearms, SB 265 would require local law enforcement to keep custody of the weapons for the duration of the protective order or until the court orders the firearms released. Sheriff's offices cannot charge respondents a fee for storing their confiscated firearm because such a fee is not listed in KRS 64.090.

Therefore, there may be a slight cost for storing such firearms at law enforcement offices that have limited secure storage space.

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

Part II above is based on SB 265 as introduced. There are no previous versions.

Data Source(s): LRC Staff; Kentucky Sheriff's Association

Preparer: CTH (MS) Reviewer: KHC Date: 3/2/23