Local Government Mandate Statement Kentucky Legislative Research Commission 2023 Regular Session

Part I: Measure Information

Bill Request #: 1161
Bill #: SB 98
Document ID #: 2453
Bill Subject/Title: AN ACT relating to prohibiting the enforcement of a federal ban or regulation of firearms and declaring an emergency.
Sponsor: Senator Lindsey Tichenor
Unit of Government: X City X County X Urban-County X Charter County X Consolidated Local X Government
Office(s) Impacted: Law Enforcement entities
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 98 creates a new section of KRS Chapter 237 that, in part, defines the various law enforcement entities that would fall under the provision of this bill and prohibit them from enforcing, assisting in, or otherwise cooperating in the enforcement of a federal ban on firearms, ammunition, or firearms accessories – this includes enforcing any federal acts, laws, executive orders, administrative orders, rules, regulation, statutes, or ordinances that infringe on a citizen's right to keep and bear arms. It further prohibits local governments, employees of local government, public officials, public agencies, or employees of a public agency from expending public funds or resources to enforcement federal firearms ban.

SB 98 mandates that Kentucky courts and law enforcement agencies are dutybound to protect Kentucky citizen's Constitutional right to keep and bear arms and that any law enforcement entity or employee who acts knowingly or otherwise knowingly deprives a citizen of that right shall be liable to the injured party in an action at law, suit in equity, or

other proper proceedings for redress and shall be subject to a civil penalty of \$50,000 per occurrence.

The fiscal impact of SB 98 on local law enforcement is indeterminable. The expected occurrence of violations under this Act is low.

Local law enforcement entities will likely incur an administrative cost to update agency policies, procedures, and training to conform with the provisions of SB 98. Although an exact cost is indeterminable, it is expected to be minimal.

Most local law enforcement agencies receive some 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 government may be subject to litigation for refusing to enforce or help enforce federal law or to respond to a citizen complaint in court. Staff time, legal expenses, and other costs are not determinable. In 2020, the Kentucky League of Cities stated that most cities, especially smaller ones, retain their city attorney on contract and pay an hourly rate of about \$107.

While the occurrence of law enforcement entities who fail to uphold the provisions of SB 98 is expected to be low, those found liable may have to pay a civil penalty of \$50,000 per occurrence. These dollars will be funneled back to the state's General Fund through the Administrative Office of the Courts.

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

Part II above is based on SB 98 as introduced. There are no previous versions.

Data Source(s): LRC Staff; Kentucky League of Cities

Preparer: CTH (MS) Reviewer: KHC Date: 2/20/23