

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 331 Introduced. BR #:414

BILL SPONSOR(S): Rep. L. Willner, K. Herron, C. Aull, B. Chester-Burton, D. Grossberg, N. Kulkarni, J. Raymond, R. Roberts

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to firearms.

SUMMARY OF LEGISLATION: Create new sections of KRS Chapter 237 to define terms; allow law enforcement officers to petition a court to issue an extreme risk protection order when a respondent poses a present danger of causing serious physical injury to themselves or others through purchasing, possessing, or receiving a firearm; establish procedures for the filing, review, hearing, termination, or renewal of the petition and orders; provide court processes and evidentiary standards; allow entry of the orders into law enforcement systems; prescribe issuance and service procedures for resulting protection orders; establish procedures for the surrender, storage, transfer, and return of firearms; establish penalties; 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 16.220 to direct proceeds of an auctioned firearm confiscated pursuant to a protective order to go to the firearm owner; amend KRS 237.110 to exclude persons subject to an extreme risk protection order from eligibility for a license to carry a concealed weapon; amend KRS 431.015 to allow warrantless arrest for violation of an extreme risk protection order; amend KRS 431.076 to allow expungement of records of dismissed petitions.

AMENDMENT:

This bill amendment committee substitute is expected to:

Have the following Corrections impact

- Creates new crime(s)
- Increases penalty for existing crime(s)
- Increases incarceration
- Reduces inmate/offender services
- Increases staff time or positions
- Changes elements of the offense for existing crime(s)
- Otherwise impacts incarceration (Explain):

Have no Corrections impact.

- Repeals existing crime(s)
- Decreases penalty for existing crime(s)
- Decreases incarceration.
- Increases inmate/offender services.
- Reduces staff time or positions.

STATE IMPACT: Class A, B, & C felonies are based on an average daily prison rate of \$116.93. 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 jail is \$44.97 per day, which includes \$35.34 per diem, medical costs, and central office administrative costs (substance abuse treatment not included).*

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

The legislation would likely have no impact on operational costs at the state level.

LOCAL IMPACT: Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until the disposition of the case. The estimated impact will be based on the \$44.97 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 would likely have a minimal impact on operational costs at the local level by creating a new misdemeanor.

Establishing new misdemeanor offenses could result in additional county prisoners being housed in county jails, but the impact is expected to be minimal.

Misdemeanor offenders are subject to the jurisdiction and cost of the county. A Class B misdemeanor is up to 90 days in jail. One (1) Class B misdemeanor: up to \$4,047.30. A Class A misdemeanor is 90 days to 1 year in jail. One (1) Class A misdemeanor: \$4,047.30 to \$16,414.05.

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, lengthen the term of incarceration, or impose new obligations on state or local governments.

APPROVED BY: _____


Chief of Staff, Kentucky Department of Corrections

3/12/2024

Date