

# CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 457 Introduced. BR #: 1542

BILL SPONSOR(S): Rep. G. Brown Jr., B. Chester-Burton

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to firearms and declaring an emergency.

**SUMMARY OF LEGISLATION:** Create new sections of KRS Chapter 237 to define "assault weapon," "large capacity ammunition feeding device," and "seller of ammunition"; require background checks for private firearms sales; require reporting to law enforcement of firearm and ammunition thefts and losses; require the safe storage of firearms; require the State Police to promulgate administrative regulations relating to the licensing of persons to possess handguns and assault weapons, the registration of handguns and assault weapons, and the logging of firearms and ammunition sales effective January 1, 2025; create a new section of KRS Chapter 527 to create the offense of criminal purchase or disposal of a weapon; amend KRS 395.250 to require an estate's inventory to list each firearm; amend KRS 403.735 to require judges, when issuing an order of protection, to consider whether a person against whom the order is entered should be prohibited from possessing an firearm; amend KRS 504.030 to require judges in criminal cases where a person is found not guilty by reason of insanity to demand the surrender of the defendant's firearms; amend KRS 506.080 to add that the offense of facilitation includes assistance in providing firearms; amend KRS 508.020 to include physical injury to a minor by virtue of the intentional discharge of a firearm within the offense of assault in the second degree; amend KRS 527.040 to require that the sentence for a felon in possession of a firearm be served consecutively to any other felony sentence; amend KRS 527.070 to include postsecondary education facilities within the existing ban on firearms in schools; amend KRS 532.030 to require the judge pronouncing a defendant guilty but mentally ill to demand the surrender of the person's firearms; amend KRS 65.1591, 237.104, 237.115, and 532.025 to conform; repeal KRS 65.870, relating to the prohibition of local firearm control ordinances; EMERGENCY; EFFECTIVE, in part, January 1, 2025.

## AMENDMENT:

This  bill  amendment  committee substitute is expected to:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Have the following Corrections impact                 | <input type="checkbox"/> 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 checked="" 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 checked="" type="checkbox"/> Changes elements of the 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 \$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)

This legislation is likely to have a moderate impact on operational costs by establishing new Class D felonies. The necessary appropriations associated with the costs estimated in this corrections impact statement require a continuation of current service funding for adult correctional institutions.

Class D felons are housed in a county jail and DOC pays counties a per diem for housing those inmates. A Class D Felony sentence is 1 to 5 years. One (1) Class D Felon costs KY \$16,414.05 to \$82,070.25.

There is also an expansion to the definition of Assault 2nd which is a Class C felony. Class C felons may still be able to serve their time in a county jail, but only if community custody. A Class C Felony sentence is 5 to 10 years. One (1) Class C Felon costs KY \$213,397.25 to \$426,794.50.

The additional requirement for sentences to be served consecutively to any other felony sentence imposed on the offender found guilty will lengthen the overall length of stay and ultimately decrease prison bed space and controlled intake.

**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)

This legislation is likely to have a moderate impact on operational costs by creating new Class A and B misdemeanors as well as new Class D felonies.

Establishing new misdemeanor offenses could result in additional county prisoners being housed in county jails. 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 costs up to \$4,047.30. A Class A misdemeanor is 90 days to 1 year in jail. One (1) Class A misdemeanor costs \$4,047.30 to \$16,414.05.

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There is also an expansion to the definition of Assault 2nd which is a Class C felony. Class C felons may still be able to serve their time in a county jail, but only if community custody. A Class C Felony sentence is 5 to 10 years. One (1) Class C Felon costs KY \$213,397.25 to \$426,794.50.

**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:**   
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Chief of Staff, Kentucky Department of Corrections

**2/15/2024**  
Date