Local Government Mandate Statement Kentucky Legislative Research Commission Session

Part I: Measure Information

Bill Request #: 1236			
Bill #: HB 735			
Document ID #: 3090			
	ACT relating to bacarms.	kground checks on the sal	e or transfer of
Sponsor: Representative Keturah Herron			
Unit of Government: X		X County X Consolidated Local	X Urban-County Unified Local X Government
Office(s) Impacted: L	aw Enforcement, Jai	ils	
Requirement: X Ma	andatory Opt	ional	
Effect on Powers & Duties: 1	Modifies Existing	X Adds New B	Eliminates Existing

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

BR 1236 creates a new section of KRS 237 that requires that all sales, exchanges, or transfers of firearms shall require a national instant background check by a dealer who consents to conduct the check. Upon completion of the background check, the dealer shall complete a form developed by the Kentucky State Police, which will be available for download through the Kentucky State Police website, that identifies and confirms that the check was performed. Dealers should maintain a record of transactions and background checks, which should be kept on the premises indicated on the dealer's license. Sales, exchanges, or transfers conducted pursuant to a person's federal firearms license or between immediate family members are excluded. Failure to comply with BR 1236 will result in a Class A misdemeanor.

BR 1236 would have a negative but indeterminable impact on local governments. 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 \$44.97 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 \$44.97 per day.

Data Source(s): LRC Staff; Kentucky State Police; Department of Corrections

Preparer: Bart Liguori (RB) **Reviewer:** KHC **Date:** 1/17/24