## Local Government Mandate Statement Kentucky Legislative Research Commission 2024 Regular Session

**Part I: Measure Information** 

Bill Request #: 1586
Bill #: SB 187
Document ID #: 5077
Bill Title: AN ACT relating to modified weapons.
Sponsor: Senator Danny W. Carroll
Unit of Government: X City X County Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Law Enforcement, Jails
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 187 adds new sections to KRS Chapter 527 which restrict the possession, sale, and transfer of modified weapons, which are defined in **Section 1**. **Section 2** establishes the possession of a modified weapon for individuals under the age of 21 as a Class A misdemeanor for the first offense and a Class D felony for the second offense. However, members of the Armed Forces or Kentucky National Guard, as well as law enforcement officers are exempt from this restriction. **Section 3** establishes the sale or transfer of a modified weapon to an individual under 21 years of age as a Class D felony for the first offense and a Class C felony for subsequent offenses.

**SB 187 would have an indeterminable, though likely slightly negative fiscal effect on local jails.** As this bill establishes new crimes, there is no previous conviction data with which to base an estimate of likely costs to local jails, though each person incarcerated as a result of the bill would represent an additional expense. The daily cost of housing inmates with different offense levels are detailed below.

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.

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 74 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an average cost to incarcerate of \$44.97, which includes the \$35.34 per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$35.34 per day to house a Class D felon. The per diem may be less than, equal to, or greater than the actual housing cost.

When a court denies bail to a Class C felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 74 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an average cost to incarcerate of \$44.97, which includes the \$35.34 per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 24 months or less to their minimum expiration date or parole eligibility date. The Department of Corrections pays local jails \$35.34 per day to house these Class C felons. The per diem may be less than, equal to, or greater than the actual housing cost.

**Data Source(s):** LRC Staff; Department of Corrections

**Preparer:** Ryan Brown (BL) **Reviewer:** KHC **Date:** 2/12/24