

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

Part I: Measure Information

Bill Request #: 62

Bill #: SB 190

Document ID #: 5130

Bill Title: AN ACT relating to firearms.

Sponsor: Senator Danny W. Carroll

Unit of Government: City County Urban-County
Unified Local
 Charter County Consolidated Local Government

Office(s) Impacted: Law Enforcement; Jails

Requirement: Mandatory Optional

Effect on
Powers & Duties: Modifies Existing Adds New Eliminates Existing

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

SB 190 creates new sections of KRS Chapter 237 that establish policies and procedures for the Kentucky State Police (KSP) and law enforcement agencies to temporarily keep, store, and return firearms that are voluntarily relinquished. In addition to temporarily giving up their firearms, individuals may also voluntarily place themselves on a list that prohibits them from purchasing and possessing firearms.

Section 2 establishes requirements for the Kentucky State Police in creating a list that restricts individuals from purchasing or possessing firearms, including procedures for being placed on and removed from the list, processing requests, and handling records.

Forms requesting to be placed on the list may be delivered to a law enforcement agency, who then must verify the identity of the person submitting the form and transmit the form to KSP within 3 days. Any records received by law enforcement agencies under this section shall not be public records nor be subject to any open records request and shall be destroyed within 5 days of a person's removal from the list.

The section prohibits a person or entity required to perform a background check prior from transferring a firearm to anyone on the list making it a Class A misdemeanor; subsequent offenses are a Class D felony. The section also prohibits any person from misrepresenting their identity in any request for inclusion or removal from the list and makes it a Class A misdemeanor. The section also makes it a Class B misdemeanor for any person on the list to purchase, attempt to purchase, or possess a firearm.

Section 4 establishes that an owner of a firearm may commit a firearm to a law enforcement agency for safekeeping if they believe they are an immediate threat to themselves or other people. An agency that receives a legal firearm must record information on the owner and the firearm, verify their identity, and hold the firearm until the person is removed from the list, though not for longer than one year. If it is not returned within one year, the agency shall return the firearm to the person who committed it or a person authorized to receive the firearm. All records of the matter must be destroyed after the firearm is either returned or disposed of.

Section 5 establishes that a person who believes they are an immediate threat to themselves or others may voluntarily surrender their firearms to a law enforcement agency for disposal.

Section 6 establishes that any information, forms, and records received as part of the policies established in SB 190 shall not be subject to any Open Records Act disclosure or used for any purpose other than to determine the person's eligibility to purchase or possess firearms.

SB 190 would have a slightly negative fiscal impact on local law enforcement agencies. All law enforcement agencies would be required to accept and transmit requests to be put on the list. This would require the training of staff to correctly follow the procedures outlined in Section 2, though it's not clear if this training would necessitate a significant commitment of time or resources.

Law enforcement agencies would be required to safely store voluntarily relinquished firearms. Staff would need to similarly be trained on the policies and procedures established in Section 4. Additionally, adequate storage space would need to be arranged, which may necessitate additional expenditures if sufficient space does not already exist.

The bill also creates two new Class A misdemeanors, a Class B misdemeanor, and a Class D felony for a subsequent offense. Individuals incarcerated as a result of these offenses would cost local jails in the follow manner. A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. 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.

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

Preparer: Ryan Brown (BL) **Reviewer:** KHC **Date:** 2/15/24