

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2025 Regular Session**

Part I: Measure Information

Bill Request #:	953	Bill #:	SB 235
Document ID #:	1652	Sponsor:	Sen. David Yates
Bill Title:	AN ACT relating to crisis aversion and rights retention orders		

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

Office(s) Impacted: Law Enforcement, Jails

Requirement: Mandatory Optional

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

Other Fiscal Statement(s) that may exist: Actuarial Analysis Corrections Impact
 Health Benefit Mandate State Employee Health Plan

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

SB 235 would create new sections of KRS Chapter 202D to establish a “crisis aversion and rights retention order” as a new form of protective order available by court order when a person/respondent poses a significant danger of injuring themselves or others with a firearm.

A law enforcement officer may file a petition for a crisis aversion and rights retention order. The order shall be filed in the respondent’s county of residence.

Any law enforcement officers serving the summons must be equipped with body-worn cameras or equipped with other audio-visual recording devices issued by the government. They must record the entirety of the service of the summons and the collection of any firearms with a recording device. Law enforcement is required to take custody of all firearms in the possession, custody, or control of the respondent.

The order also requires that all firearms in the possession, custody, or control of the respondent be held by a law enforcement agency. The rightful owner of the firearm may petition the issuing court to order the law enforcement agency to transfer the firearm to:

- a responsible party;
- an individual who possesses a valid firearms license for storage or an eventual lawful sale of the firearm; or
- the Department of Kentucky State Police.

A law enforcement agency storing a firearm must use reasonable care to ensure that the firearm is not lost or damaged and is prohibited from marking the firearm for identification or other purposes. Law enforcement agencies are liable for any damage to, or loss of, a firearm obtained from a respondent.

A person who knowingly provides false information upon which a law enforcement officer bases a petition for any crisis aversion and rights retention order, with an intent to harass the respondent, shall be guilty of a Class A misdemeanor.

A person who knowingly purchases, receives, or has in his or her custody or control a firearm with the knowledge that he or she is prohibited from doing so by a crisis aversion and rights retention order is guilty of a Class D felony.

If a respondent has transferred a firearm to a responsible party and the responsible party intentionally or wantonly allows the respondent access to any firearm with knowledge that the respondent is restricted from possessing firearms, the responsible party is guilty of a Class A misdemeanor.

If the firearm is used by the respondent in the commission of a crime, the responsible party is guilty of a Class D felony. If the responsible party knows that the respondent is committing or intends to commit a crime and the respondent uses the firearm to commit a Class B felony, the responsible party is guilty of a Class C felony.

The fiscal impact of SB 235 on local governments is indeterminable but likely negative. The bill creates new classes of misdemeanants and felons. There is no history of convictions which could be used to reliably project potential costs to local jails. Law enforcement officers will need to be trained on the new rules and procedures, but this will likely not result in additional required expenditures as it can be integrated into existing training programs and procedures.

Firearm forfeiture and disposal may have a small, but negative fiscal impact to local law enforcement agencies, especially sheriffs' departments depending on the increase in the number of firearms confiscated and stored in addition to the availability and cost of storage space.

Costs of firearm storage could have a negative fiscal impact on local law enforcement agencies. The Kentucky Sheriffs' Association (KSA) and the Kentucky Fraternal Order of Police (FOP) believe the storage requirements may create an impact to local sheriff

offices as well as other local law enforcement, especially smaller police departments. The anticipated impact is a result of the lack of space to store firearms and supplies or equipment necessary to maintain the stored firearms. KSA states that impounded firearms must be treated like evidence. This means that any additional storage space must be secure, have controlled and limited access, and the space must be environmentally controlled to prevent damage from heat and humidity, similar to an evidence room. FOP states that with most small sheriff offices and police departments, space is always an issue, especially for evidence rooms.

SB 235 would create new felonies and misdemeanors. The cost of housing inmates in local jails depends on the level of offense. 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 \$47.43 per day. While most misdemeanor defendants are granted bail, those who do not will also cost local jails an average cost to incarcerate of \$47.43 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 \$47.43, 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 \$47.43, 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; Kentucky Sheriff's Association; Kentucky Fraternal Order of Police

Preparer: TJ **Reviewer:** MS (MDA) **Date:** 1/22/25