

CORRECTIONS IMPACT STATEMENT

SESSION: 26RS BILL #: HB 116

Introduced

BR #: 209

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

AMENDMENT SPONSOR(S):

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

SUMMARY OF LEGISLATION:

AMENDMENT: 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 Department of Kentucky 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, 2027; amend KRS 237.990 to establish penalties; create a new section of KRS Chapter 527 to establish the offense of criminal purchase or transfer of a weapon as a Class D felony; 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 a firearm; amend KRS 456.050 to require judges, when issuing an interpersonal protective order, to consider whether a person against whom the order is entered should be prohibited from possessing a 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; **EFFECTIVE**, in part, January 1, 2027; **EMERGENCY**.

This bill amendment committee substitute is expected to:

Have the following Corrections impact

Have no Corrections impact.

Creates new crime(s)

Repeals existing crime(s)

Increases penalty for existing crime(s)

Decreases penalty for existing crime(s)

Increases incarceration

Decreases incarceration.

Reduces inmate/offender services

Increases inmate/offender services.

Increases staff time or positions

Reduces staff time or positions.

Changes elements of the offense for existing crime(s)

Otherwise impacts incarceration (Explain):

STATE IMPACT: Class A, B, & C felonies are based on an average daily prison rate of \$116.41. 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 \$46.51 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)

The legislation would likely result in a moderate increase in operational costs at the state level by creating a new Class D felony, expanding the definition of Class D and Class C felonies, and modifying the penalty of an existing offense.

This bill requires sentences for violations of KRS 527.040, a Class D felony, to be served as consecutive sentences to other felonies. Inmates who are currently jail-eligible may no longer be eligible and, in addition to a longer time to serve, will have to serve in an institutional bed.

There are approximately 3,000 offenders in custody and 4,100 offenders on supervision for offenses of possession of a firearm or handgun by a convicted felon. The population statistics are being provided to offer a reference for the number of offenders who commit similar crimes.

The majority of Class C felons serve their time in a prison, although some Class C felons serve their time in a jail on community custody, during which time DOC would pay county jails a per diem rate. The below calculations assume time is served in a prison.

A Class C Felony sentence is 5 to 10 years.

- One (1) Class C Felon costs KY \$212,440.64 to \$424,881.28
- Ten (10) Class C Felons cost KY \$2,124,406.41 to \$4,248,812.82
- One hundred (100) Class C Felons cost KY \$21,244,064.09 to \$42,488,128.18

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 \$16,975.64 to \$84,878.20
- Ten (10) Class D Felons cost KY \$169,756.40 to \$848,781.99
- One hundred (100) Class D Felons cost KY \$1,697,563.98 to \$8,487,819.88

Population counts and offender data are sourced from the Kentucky Offender Management System (KOMS). Cost to Incarcerate can be found on corrections.ky.gov/public-information.

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 \$46.51 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)

The legislation would likely result in a minimal increase in operational costs at the local level by creating a new Class D felony and new Class A and Class B misdemeanors and expanding the definition of Class D and Class C felonies.

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 \$16,975.64 to \$84,878.20
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Establishing new misdemeanor offenses could result in additional county prisoners being housed in county jails. Misdemeanants are housed at county jails, and associated costs are the responsibility of the local fiscal court. DOC does not incur a cost for misdemeanor offenders.

A Class A misdemeanor is 90 days to 1 year in jail. These costs are incurred by the local jails.

- One (1) Class A misdemeanor: \$4,185.77 to \$16,975.64

