

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

Part I: Measure Information

Bill Request #:	1420	Bill #:	SB 113
Document ID #:	3901	Sponsor:	Sen. Danny Carroll
Bill Title:	AN ACT relating to confiscated firearms		

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

Office(s) Impacted: Law Enforcement

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 113 would amend KRS 16.220 to provide that firearms in the possession of the Department of Kentucky State Police, including those transferred to them by local law enforcement, may be destroyed if they have been defaced, are contaminated by hazardous material, unsafe to discharge, or upon request of an innocent owner. Any firearms used in homicides must be destroyed.

SB 113 would also amend KRS 500.090, relating to forfeiture of property in criminal cases, to require that firearms transferred to the Department of Kentucky State Police for disposition may not be intentionally damaged, modified, or disabled by local law enforcement agencies that have custody of the firearm prior to the firearm transfer, except as necessary for forensic testing or examination in the course of criminal investigation or prosecution or civil proceedings.

SB 113 would require that, subject to the duty to return confiscated firearms to innocent owners, local law enforcement agencies must destroy firearms that have been used in a homicide, upon order of the trial court. The agency would not be allowed to retain the

firearm for official use or transfer it to the Department of Kentucky State Police for disposition. The agency would have 90 days from the court order to destroy the firearm.

SB 113 would also amend KRS 15.440, to require law enforcement agencies to have a written policy and procedures manual relating to the destruction of firearms used in homicides by January 1, 2026.

The fiscal impact of SB 113 is expected to be negative. The housing and destruction of firearms, ammunition, and other property confiscated by local law enforcement will accrue costs in the form of additional training, supplies, and storage equipment. Storing and selling items ordered to be sold at auction will likely have little financial impact, as the proceeds from the sale will be used to cover the costs.

The Kentucky Sheriffs' Association (KSA) and the Kentucky Fraternal Order of Police (FOP) believes the storage requirements of this bill will create a significant fiscal 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, increased training for personnel, and supplies or equipment necessary to maintain the stored firearms. They expect this bill will increase the overall number of firearms that will need to be stored for an undefinable period of time. 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. Due to the unknown period of time firearms may be stored, there may be a need to periodically inspect and maintain firearms to keep them in the same condition as when first impounded.

Data Source(s): Kentucky Sheriffs' Association; Kentucky Fraternal Order of Police

Preparer: TJ **Reviewer:** JR (MDA) **Date:** 1/29/26