

HB 249 removes language allowing units of state or local governments to prohibit the carrying of CDWs by licensees in that portion of a building actually owned, leased, or occupied by that unit of government.

HB 249 prohibits the legislative body of a state or local government by statute, administrative regulation, or ordinance, from prohibiting or limiting the carrying of CDWs by licensees in that portion of a building owned, leased, or controlled by that unit of government. HB 249 further removes language regarding signage for these building informing patrons of the restrictions.

HB 249 removes language prohibiting a licensee to carry a concealed firearm into a courthouse solely occupied by a Court of Justice courtroom. Subsequently, HB 249 adds language allowing the legislative body of a state or local government by statute, administrative regulation, or ordinance, to prohibit or limit the carrying of CDWs into any Court of Justice courtroom or court proceeding, or to a detention facility.

HB 249 removes language prohibiting a licensee from carrying a concealed firearm into a meeting of a local government, a meeting of the General Assembly or a committee meeting thereof. HB 249 removes language that allowed only members of that body to carry a CDW to a meeting of that body.

HB 249 removes language prohibiting a licensee to carry a concealed firearm into any elementary or secondary school facility without the consent of school authorities.

HB 249 broadens the prohibition of carrying a firearm into any place where the carrying of weapons is prohibited by federal law to include 'weapons', except where specifically provided for in KRS 527.020.

HB 249 clarifies that any signs posted by the owner, business or commercial lessee, or manager of a private business enterprise, or health care facility except facilities renting or leasing housing that prohibit licensees and employees holding licenses if not authorized by the employer from carrying CDWs on the premises shall be **conspicuous and at each public entrance**.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact of HB 249 on local government is expected to be minimal.

HB 249 decriminalizes - under specific situations - carrying a concealed firearm into government buildings and public and private school property.

The Table I (attached) reflects the number of charges and cases originating from unlawful possession of a weapon on school property as defined in KRS 527.070 on a statewide basis for calendar year 2015 and 2016. The total case number does not equal the sum of the line items due to how the Administrative Offices of the Court accounts for the cases removing any duplications from the total resulting from amended charges.

The Table II (attached) reflects the number of charges and cases originating from carrying a concealed deadly weapon as defined by KRS 527.020 on a statewide basis and for calendar years 2015 and 2016. The total case number does not equal the sum of the line items due to how the Administrative Offices of the Court accounts for the cases removing any duplications from the total resulting from amended charges.

Whereas the passage of HB 249 raises the possibility that a portion and to an extreme possibility, none of the above charges would be offenses, any related reimbursement received from the Department of Corrections for housing prisoners would not occur.

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 76 full service jails or five life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical that Department of Corrections pays jails to house felony offenders. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.34 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 76 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical that 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 \$31.34 per day to house a D felon. Since the per diem pays for the estimated average cost of housing 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, Administrative Offices of the Courts

Preparer: Wendell F. Butler **Reviewer:** KHC **Date:** 2/14/17

TABLE 1

UOR Code	Description	Class / Level		2015			2016		
				Circuit	District	Juvenile	Circuit	District	Juvenile
522040	Unlawful Possession of Weapon on School Property	D Felony	Charges	6	15	91	3	8	120
			Cases	6	15	91	3	8	116
522041	Att Unlawful Possession of Weapon on Schoop Property	A Misdemeanor	Charges		4	4		1	6
			Cases		4	4		1	6
522044	FacL Unlawful Possession of Weapon on School Property	A Misdemeanor	Charges		1	1			
			Cases		1	1			
522045	Comp Unlawful Possession of Weaopon on School Property	D Felony	Charges	3		1	1		
			Cases	3		1	1		
TOTALS:			Charges	9	20	97	4	9	126
			Cases	9	17	92	4	9	122

TABLE 2

UOR Code	Description	Class / Level		2015			2016		
				Circuit	District	Juvenile	Circuit	District	Juvenile
15010	Carrying a Concealed Deadly Weapon	A Misdemeanor	Charges	306	1699	135	512	2250	163
			Cases	292	1651	134	497	2157	159
15011	Att Carrying a Concealed Deadly Weapon	B Misdemeanor	Charges		1			2	1
			Cases		1			2	1
15012	Solc Carrying a Concealed Deadly Weapon	B Misdemeanor	Charges		1				2
			Cases		1				2
15014	FacL Carrying a Concealed Deadly Weapon	B Misdemeanor	Charges		1				
			Cases		1				
15015	Comp Carrying a Concealed Deadly Weapon	A Misdemeanor	Charges	22	2		20		
			Cases	22	2		20		
TOTALS:			Charges	328	1704	135	532	2252	166
			Cases	313	1654	134	517	2159	162