

AMENDED 2/17/2016
CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 11 Prefiled

BR #: 15

DOC ID#: BR001500.100 - 15 - 9

BILL SPONSOR(S): Rep. D. St. Onge, B. Linder, S. Santoro

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to service animals.

SUMMARY OF LEGISLATION: Amend KRS 525.200 to remove from the elements of the offense of assault on a service animal the requirement that service animal be unable to return to work; amend KRS 525.210 and 525.215 to conform; repeal KRS 525.205.

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 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 \$61.09. Most Class D felons are housed in one of 77 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$32.51 per day (includes jail per diem, medical & central office costs), not including substance abuse treatment. Projections are based on the daily rate x 365 x number of years.

Projected Impact: NONE MINIMAL MODERATE SIGNIFICANT

Potential Impact: The proposed changes would eliminate the Class B Misdemeanor charge of assault on a service animal. All cases of assault on a service animal would be prosecuted as Class D felonies. In addition, the proposed change would eliminate the requirement that any injuries sustained to the service animal must be so severe that the "animal becomes physically incapable of ever returning to service, resulting in more convictions.

According to the data provided by LRC, over the last 4 years there are 7 cases that would be adjudicated as a Class D Felony under the proposed revision. Given this small number of cases, the impact to DOC and resulting incarceration costs would be minimal.

The Department cannot project how many additional cases would be generated due to the removal of the severe injury requirement; however, given that the data provided by LRC indicates there have been a total of nine (9) cases in which a defendant was charged with assault on a service animal in the second degree, the number of convictions for this offense are projected to be small.

If ten (10) offenders were convicted to a Class D Felony for Assault on a Service Animal, the cost to the Department would range from \$118,660 to \$593,310.

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost \$118,660 to \$593,310.

1 Class D Felon costs Ky. \$11,866 to \$59,331.

100 Class D Felons cost \$1.1M to \$5.9M.

LOCAL IMPACT: Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until disposition of the case. While the expense varies by jail, this estimated impact will be based on \$31.92 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Projected Impact: NONE MINIMAL MODERATE SIGNIFICANT

Potential Savings: HB 11 repeals assault on a service animal which is currently a Class B Misdemeanor and prosecutes all cases as Class D Felonies. The removal of this Class B Misdemeanor would result in a smaller number of non-state inmates in jails but increase the number of class D felony offenders in jails. Jails will receive per diem payments for the class D felony offenders at a rate of \$31.92 a day that they would not receive for the Class B Misdemeanors. Although the Department cannot project how many offenders would be convicted of the class D felony, the data provided by LRC indicates that for the last four (4) years a total of nine (9) offenders have been convicted of assault on a service animal, so the savings is expected to be minimal. If 10 offenders were convicted of assault on a service animal and the jail received a per diem payment of \$31.92 for each of those offenders the jail would receive \$31.92 per day that they would not have previously received. It should be noted that the total per diem payment is not a total cost savings to local jails due to the cost to incarcerate; however, that amount is above what they would have received to offset the cost of housing an offender serving on a misdemeanor.

The following offices contributed to this Corrections Impact Statement:

Dept. of Corrections Dept. of Kentucky State Police Administrative Office of the Courts Parole Board Other LRC

NOTE: Consideration should be given to the cumulative impact of all bills that increase the felon population or that impose new obligations on state or local governments.

APPROVED BY:

Commissioner, Kentucky Department of Corrections

Date