

# CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 428 GA

BR #: 1610

DOC ID#:

**BILL SPONSOR(S):** Rep. Stone

**AMENDMENT SPONSOR(S):**

**SUBJECT:** AN ACT relating to cruelty to animals.

**SUMMARY OF LEGISLATION:** Amend KRS 525.125 to make any person who knowingly owns, possesses, keeps, breeds, trains, sells, or otherwise transfers a dog for the purpose of that dog or its offspring being used to fight for pleasure or profit guilty of cruelty to animals in the first degree, a Class D felony; provide that activities of animals engaged in guarding livestock shall not constitute cruelty to animals in the first degree.

This  bill  amendment  committee substitute is expected to:

Have the following Corrections impact  Have no Corrections impact

- |   |  |
|---|--|
| <input type="checkbox"/> Creates new crime(s)   | <input type="checkbox"/> Repeals existing crime(s)               |
| <input type="checkbox"/> Increases penalty for existing crime(s)                      | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration                                      | <input type="checkbox"/> Decreases incarceration                 |
| <input type="checkbox"/> Reduces inmate/offender services                             | <input type="checkbox"/> Increases inmate/offender services      |
| <input type="checkbox"/> Increases staff time or positions                            | <input type="checkbox"/> Reduces staff time or positions         |
| <input checked="" type="checkbox"/> Changes elements of offense for existing crime(s) |  |
| <input type="checkbox"/> 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 78 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  
\$0-\$1,000,000 \$1,000,000- \$5,000,000 \$5,000,000- Up

**Potential Impact:** The proposed legislation expands the language of the law concerning animal cruelty to include areas that are part of dog fighting such as breeding training or selling dogs that are used to fight.. Cruelty to animals is a Class D felony.

According to numbers received from AOC, from 2010 through 2015 there were 95 cases of animal cruelty. There were 2,464 other animal cruelty related cases under 12 different charges that deal with different types of cruelty to animals. If it were estimated that 10% of those cases would fall under the new statute, then 246 individuals could be convicted of a class D felony under the proposed legislation. Divided out over a 5 year period would be 49 individuals per year. If they were all incarcerated it would cost the Department an average of \$581,434 a year.

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

Creates no new misdemeanor offenses.

**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

**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:** \_\_\_\_\_

