

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: SB 158

BR #: 59

DOC ID#:

BILL SPONSOR(S): Sen. W. Schroder **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to service animals.

SUMMARY OF LEGISLATION: Amend KRS 525.200 to add elements to the offense of assault on a service animal 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 checked="" 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

Potential Impact: The proposed legislation changes the language around assault on a service animal first degree. Added language includes Intentionally causes physical injury to a service animal by means of a deadly weapon or dangerous instrument. Currently this is a class B misdemeanor. It would be elevated to a Class D felony.

Also included is wantonly causes serious physical injury to a service animal by means of a deadly weapon or dangerous instrument. Assault on a Service Animal First Degree is a Class D felony.

AOC was contacted for the number of persons charged with Assault on a service animal First Degree. Between CY 2012- 2015 there were 2 cases.

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 potential number of individuals incarcerated under a Class B misdemeanor could be reduced. It would cause a suspected small increase in the number of felons incarcerated in a local facility for a Class D felony.

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: _____

