

CORRECTIONS IMPACT STATEMENT

SESSION: 17RS

BILL #: HB 143 Introduced

BR #: 893

DOC ID#: BR089300.100 - 893 - XXXX

BILL SPONSOR(S): Rep. Morgan

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to sexual assault of animals.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 525 to criminalize sexual assault of a dog or cat; provide for forfeiture of ownership of the dog or cat upon conviction or plea; prohibit future ownership of a dog or cat for five years for a first offense and life for a second or subsequent offense; require forfeited dogs and cats be offered to animal rescue organizations or given to county animal shelters.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|--|--|
| <input checked="" 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 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 \$66.82. Most Class D felons are housed in one of 76 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$31.41 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 Cost:

The proposed legislation establishes crimes of Sexual Assault of a Dog or Cat. Sexual Assault of a Dog or Cat is a Class D felony, except that if the offense is committed in the presence of a minor, making it a Class C felony.

Data from AOC shows 11 cases of felony Torture of Dog or Cat with Serious Physical Injury or Death, 1 case of felony Cruelty to Animals 1st Degree, 10 cases of misdemeanor Torture of a Dog or Cat 1st Offense, and 514 cases of misdemeanor Cruelty to Animals 2nd Degree in CY2014-2016.

Currently the Department of Corrections has 19 offenders are on supervision or incarcerated for felony Torture of a Dog or Cat 2nd or subsequent offense or felony Torture of a Dog or Cat with Serious Physical Injury or Death. Additionally, there are 5 offenders on supervision or incarcerated for felony Cruelty to Animals 1st Degree, which is specific to dog fighting.

Additional, the Department has 17 offenders on supervision for misdemeanor Cruelty to Animals 2nd Degree. An additional 4 offenders are on supervision for misdemeanor Torture of a Dog or Cat 1st Offense.

It is unknown how many, if any, of these offenses involve sexual assault on an animal, therefore it is not possible to estimate how many additional felony offenders this legislation would generate. However, based on numbers for similar offenses, it is expected that the impact to the Department would be minimal.

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost \$114,640 to \$573,200

1 Class D Felon costs KY \$11,464 to \$57,320

100 Class D Felons cost \$1.146M to \$5.7M

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 \$31.34 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. This legislation does not create any additional misdemeanor offenses. However, Class D offenders convicted under this legislation would be housed as state inmates in local jail facilities. Given the estimated number of offenders convicted under these offenses, however, it is expected that the impact to the local jail facilities would be minimal.

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:

Commissioner, Kentucky Department of Corrections

Date