

Local Mandate Fiscal Impact Estimate
Kentucky Legislative Research Commission
2017 Regular Session

Part I: Measure Information

Bill Request #: 893

Bill #: HB 143

Bill Subject/Title: An ACT relating to sexual assault of animals.

Sponsor: Rep. Wesley Morgan

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local
Government

Office(s) Impacted: Jails and all law enforcement offices

Requirement: Mandatory Optional

Effect on
Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Purpose and Mechanics

HB 143 defines sexual assault of a dog or cat and makes such an assault a Class D felony. If such an assault is conducted in front of a minor it is a Class C felony. Owners convicted of sexually assaulting dogs or cats must forfeit the animal(s) and restrictions are placed upon such owners' rights to own dogs or cats in the future. Provisions are made to give sexually assaulted dogs or cats to animal rescue organizations or county animal shelters.

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

The fiscal impact of HB 143 is indeterminate and minimal. HB 143 creates new Class D and C felony crimes. As such there could be some minor increase in Class D or Class C felony arrests and incarcerations. The relationship of Class D and C felony incarcerations to local jail costs is described below.

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. 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.**

When a court denies bail to a Class C 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. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 18 months or less to their minimum expiration date or parole eligibility date. **The Department of Corrections pays local jails \$31.34 per day to house these Class C felons. Since the per diem pays for the estimated average cost of housing a Class C felon, the per diem may be less than, equal to, or greater than the actual housing cost.**

Data Source(s): Kentucky Jailers Association; Kentucky Association of Chiefs of Police; Kentucky Sheriffs Association

Preparer: H.Marks **Reviewer:** JWN **Date:** 1/6/17