

CORRECTIONS IMPACT STATEMENT

SESSION: 17RS

BILL #: HB 480 Introduced

BR #: 1245

DOC ID#: BR124500.100 - 1245 - XXXX

BILL SPONSOR(S): Rep. J. Jenkins **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to sexual assault against animals.

SUMMARY OF LEGISLATION: Creates a new section of KRS Chapter 525 to establish the offense of sexual assault against an animal; establish the elements and penalties for the crime; allow additional conditions to be imposed by a court upon conviction; allow a peace officer to seize an animal if there is probable cause to believe sexual assault against an animal has occurred; exempt accepted veterinary medical practices, insemination of animals, and accepted animal husbandry practices.

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 Impact:

The legislation defines animal sexual contact and creates a new offense of sexual assault against an animal. Sexual Assault against an Animal is a Class A misdemeanor, unless the animal suffers death or serious physical injury, which makes the offense a Class D felony. If the offense involves forcing a minor to engage in sexual contact with an animal or engages in sexual contact with an animal in the presence of a minor, the penalties are enhanced: a Class C felony if the minor was less than 18 years of age, a Class B felony if the minor was less than 16 years of age, and a Class A felony if the minor incurs physical injury.

The legislation also provides authority for the court to order certain prohibitions, restitution for care of the animals, and treatment or counseling.

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

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

Potential Impact:

The legislation creates a Class A misdemeanor charge for sexual assault against an animal, creating additional county inmates the county jail would be fiscally responsible for. In addition, offenders convicted of felony sexual assault against an animal would be housed as state inmates in local jail facilities.

While information is not available regarding how many people might be convicted of sexual assault against an animal, the impact to local facilities is expected to be minimal.

A Class A misdemeanor is 90 days to 1 year in jail

10 Class A misdemeanants: \$28,270 to \$114,640

1 Class A misdemeanant: \$2,827 to \$11,464

100 Class A misdemeanants: \$282,700 to \$1,146,400

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