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

Part I: Measure Information

Bill Request #:   BR 1245

Bill #:   HB 480

Bill Subject/Title: AN ACT relating to sexual assault against animals

Sponsor: Representative McKenzie Cantrell

Unit of Government: **x** City   **x** County   **x** Urban-County

                      x Charter County   **x** Consolidated Local   **x** Unified Local Government

Office(s) Impacted: local law enforcement agencies and offices, Jailers

Requirement: **x** Mandatory ____ Optional

Effect on
Powers & Duties: **x** Modifies Existing   **x** Adds New ____ Eliminates Existing

Part II: Purpose and Mechanics

HB 480 defines "animal" and "sexual contact". The bill identifies 7 activities that render a person guilty of sexual assault against an animal as Class A misdemeanors (unless the animal suffers death or serious injury, in which case it is a Class D felony). The bill also specifies other requirements a court may make related to violations of the provisions of HB 480. The bill authorizes peace officers and animal control office officers to seize an animal if there is cause to believe there has been a violation of provisions of HB 480.

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

The fiscal impact of HB 480 is indeterminate and minimal. HB 480 creates a new crime and associated penalties. Thus, there can be some minor additional incarceration costs and additional law enforcement time and effort. Jail costs for misdemeanors and felonies are described below.

Class B and Class A misdemeanors:

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. A person convicted of a Class A misdemeanor may be incarcerated for up to one year.

Misdemeanants are housed in one of Kentucky's 76 full service jails or five life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on $31.34 per day, which equals the per diem and medical that Department of Corrections pays jails to house felony offenders. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of $31.34 per day.

Class D and Class C felons:

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 Sheriffs Association; Kentucky Association of Chiefs of Poice; Kentucky Jailers Association

Preparer: H. Marks   **Reviewer:**   KHC   **Date:**   2/20/17