

CORRECTIONS IMPACT STATEMENT

SESSION: 18RS

BILL #: HB 276 Introduced

BR #: 1208

DOC ID#: XXXX

BILL SPONSOR(S): Rep. C. Morgan **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to animal torture and making an appropriation therefor.

SUMMARY OF LEGISLATION: Amend KRS 525.135 to redefine "torture" to include deliberate neglect or physical abuse that results in the death of or serious physical injury to 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 one year for a first offense and five years for a second or subsequent offense; require forfeited dogs and cats to be offered to animal rescue organizations or given to county animal shelters; create a new section of KRS Chapter 525 establishing the torture recovery fund; require amounts in the fund to be distributed to county animal shelters; APPROPRIATION.

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 checked="" 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 \$70.12. 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 \$31.45 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 MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

This legislation redefines animal torture to include neglect and physical abuse that results in death or serious physical injury.

Under current legislation, Torture of a Dog or Cat 1st Offense is a Class A misdemeanor with an additional requirement of \$1000 fine and a mandatory term of imprisonment from 30 days to 12 months, which shall not be suspended, probated, conditionally discharged, or subject to any other form of early release.

Additionally, Torture of a Dog or Cat 2nd or subsequent offense is a Class D felony with an additional requirement of \$1,000-\$10,000 fine and a mandatory term of imprisonment of at least 90 days prior to any form of early release, probation, or conditional discharge.

The legislation also requires restitution and a period terminating rights to possess or care for a cat or dog. The legislation provides instruction for animal rescue for neglected/abused cats or dogs and outlines exceptions for the killing or injuring a dog or cat (ex: humane purposes). Last, the bill establishes a torture recovery fund administered by AOC.

Data from AOC shows sixteen (16) cases of felony Torture of Dog or Cat with Serious Physical Injury or Death and twelve (12) cases of misdemeanor Torture of a Dog or Cat 1st Offense in FY2015-2017 (includes inchoate offenses).

Currently the Department has eleven (11) offenders on supervision for felony or misdemeanor Torture of a Dog or Cat, two (2) offenders incarcerated for felony Torture of a Dog or Cat with Serious Physical Injury or Death, and five (5) offenders incarcerated for Class D Torture of a Dog or Cat 2nd Offense.

The number of offenders expected to be convicted under these offenses are such that the expected impact to the Department would not be significant.

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost KY \$114,808 to \$574,040

1 Class D Felon costs KY \$11,481 to \$57,404

100 Class D Felons cost KY \$1.1M 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 MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

Under current legislation, Torture of a Dog or Cat 1st Offense is a Class A misdemeanor with a term of imprisonment that is not eligible for release or community supervision.

Currently the Department has three (3) offenders on supervision for misdemeanor Torture of a Dog or Cat 1st Offense.

Additionally, there is a minimum mandatory service of 90 days on the Class D felony convictions. As a felon, the cost would be incurred by the state, relieving the county jail of the cost.

The mandatory days of incarceration will occupy jail beds which does impact jail population. However, the number of offenders convicted under these offenses would likely be low. Therefore, the expected impact to the county jails would not be significant.

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

10 Class A misdemeanants: \$28,206 to \$114,391

1 Class A misdemeanant: \$2,821 to \$11,439

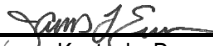
100 Class A misdemeanants: \$282,060 to \$1,143,910

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. The Department of Corrections and local jails continue to operate over capacity. Without steps to reduce the population, any legislation that increases population or lengthens the term of incarceration will have a significant impact on correctional operations.

APPROVED BY:



Commissioner, Kentucky Department of Corrections

2/9/2018
Date