

CORRECTIONS IMPACT STATEMENT

SESSION: 18RS

BILL #: HB 417 Introduced

BR #: 1968

DOC ID#: XXXXX

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

SUBJECT: AN ACT relating to the creation of an animal abuse registry and making an appropriation therefor.

SUMMARY OF LEGISLATION: Creates a new section of KRS Chapter 17 to establish the animal abuse offender registry; requires the Kentucky State Police to maintain a registry of offenders who commit an animal abuse offense; creates a new section of KRS Chapter 17 to establish the animal abuse offender registry fund; 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 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 checked="" 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 establishes an animal abuse registry to be maintained by the Kentucky State Police. Animal abuse offense is established as convictions under KRS 525.125 Cruelty To Animals 1st Degree, 525.130 Cruelty To Animals-2nd Degree, 525.135 Torture Of A Dog Or Cat, 1st Offense, 2nd Or > Offense, Or Torture Dog/Cat W/Serial Physical Injury Or Death, 525.200 Assault On Service Animal, 1st Degree, or 525.205 Assault On Service Animal, 2nd Degree.

Offenders will be required to register for five (5) years. Offenders shall be registered by the releasing agency or at the time of conviction by a Court. A registration fee of \$100 annually is imposed, but subject to waiver for indigency.

The registry shall include a public website, as well as offender information provided to each county sheriff and local school district superintendent. There is a good faith exemption for Department employees for registration and dissemination of registry information. The bill also establishes an animal abuse offender registry.

Data from AOC for FY2015-2017 shows twenty (20) convictions for Torture of Dog or Cat, forty-five (45) convictions for Cruelty to Animals, and sixteen (16) convictions of Assault on a Service Animal (includes inchoate offenses).

Currently the Department has ten (10) offenders and thirty-four (34) offenders on supervision for these offenses.

Though the Department of Corrections will register required individuals for the animal abuse offender registry who are released from custody or placed on supervision by the court, however, there is no direct impact to incarceration under this legislation.

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)

Local detention facilities would also be required to register individuals upon release who are statutorily required to register with the animal abuse offender registry.

The legislation establishes a Class A misdemeanor for failure to register or providing false, misleading, or incomplete information.

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 misdemeanor: \$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

3/1/2018

Date