

**\*\*AMENDED\*\* CORRECTIONS IMPACT STATEMENT**

**SESSION: 18RS**

**BILL #: HB 447** Introduced

**BR #: 988**

**DOC ID#: BR098800.100 - 988 - XXXX**

**BILL SPONSOR(S):** Rep. W. Thomas, M. Dossett, J. DuPlessis, T. Herald, D. Mayfield

**AMENDMENT SPONSOR(S):**

**SUBJECT:** AN ACT relating to animal torture.

**SUMMARY OF LEGISLATION:** Amend KRS 525.135 relating to torture of a dog or cat to prohibit any form of early release for those who committed the offense as a way to threaten, intimidate, coerce, harass, or terrorize a family member or member of a dating relationship.

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 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)

The legislation amends KRS 525.135 to prohibit any form of early release for an offender convicted of torture of a dog or cat with the intent to threaten, intimidate, coerce, harass, or terrorize a family member (defined in KRS 403.720) or member of a dating relationship (as defined in KRS 456.010).

Under current legislation, Torture of a Dog or Cat is a Class A misdemeanor for a 1st Offense and a Class D felony for a subsequent offense if the animal suffers physical injury. And Torture of a Dog or Cat is a Class D felony if the animal suffers serious physical injury or death.

AOC records report twenty (20) convictions for Torture of a Dog or Cat in FY 2015-2017 out of Circuit Court and eight (8) convictions for Torture of a Dog or Cat in FY 2015-2017 out of District Court.

The Department of Corrections currently has six (6) offenders incarcerated and eleven (11) offenders on supervision for Torture of a Dog or Cat.

It is not known how many of these offenses may have been committed with the intent to harass or threaten a family member or as a form of dating violence. The prohibition of probation or other form of early release would increase the number of offenders incarcerated and lengthen the term of incarceration for this offense.

As a Class D offender, offenders subject to this offense would serve their sentence in a county jail at a cost of \$31.34 per day.

For the six (6) offenders currently incarcerated on this charge, they have an average sentence length of 1,338 days. Currently these offenders would be eligible for parole at 15%, or an average of 201 days. If these offenders are prohibited from early release, they would be subject to serving the entirety of the sentence at a cost of \$31.34 per day, to total \$35,642.98 for each offender.

Additionally, currently the Department has eleven (11) offenders on supervision for four (4) felony offenses and eight (8) misdemeanor offenses. Note: offenders can be convicted on multiple offenses. If HB 447 was in effect at the time of their sentence and the offense of a torture of a dog or a cat was committed to threaten or terrorize a family member, they would not be eligible for probation or community supervision or early release as an inmate.

While the number of offenders incarcerated on the specific nature of this offense would be minimal, there would be additional incarceration costs under this legislation.

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)

As offenders incarcerated under this bill either at a misdemeanor or Class D felony level, the offender would be housed in a county jail. Misdemeanors are at the cost of the county. More offenders receiving a sentence imposing incarceration and longer sentence lengths would increase incarceration costs. For felony state inmates, this provides additional revenue for jails. However, in times of current overcrowding the prohibition of early release has a significant impact on the occupancy of jail beds.

However, it is expected that the number of offenders who would be subject to this incarceration requirement would be minimal.

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:**

  
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Commissioner, Kentucky Department of Corrections

**3/9/2018**

Date