

# CORRECTIONS IMPACT STATEMENT

SESSION: 18RS

BILL #: SB 239 Introduced

BR #: 239

DOC ID#: XXXX

**BILL SPONSOR(S):** Sen. P. Hornback, D. Thayer **AMENDMENT SPONSOR(S):**

**SUBJECT:** AN ACT relating to sexual activity with animals.

**SUMMARY OF LEGISLATION:** Create a new section of KRS Chapter 525 to establish the crime of sexual activity with animals; define terms; specify the conduct that a person knowingly engages in that constitutes sexual activity with animals; provide that sexual activity with animals is a Class A misdemeanor; allow the court to impose additional penalties on a person convicted of violation of the section; exempt accepted animal husbandry or veterinary medical practices from the provisions of the section; allow the court to seize all animals involved in an alleged violation as a condition of bond if the court has reasonable grounds to believe that a violation has occurred.

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 \$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)

**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)

This legislation creates a crime of sexual activity with an animal when an individual engages in sexual activity with an animal, aids another person in engaging in sexual activity with an animal, permits sexual activity with an animal to be conducted on a premises under his or her control, participates as an observer or performs any service in the furtherance of an act of sexual activity with an animal for a commercial or recreational purpose, or photographs or films for purposes of sexual gratification a person engaged in sexual activity with an animal.

This legislation creates a misdemeanor offense of Sexual Activity with Animals as a Class A misdemeanor.

Additionally, an offender convicted of this offense may be ordered by the Court against owning or residing in a household where animals are kept, to participate in counseling, or reimburse the animal shelter or humane society for the care and maintenance of animals removed from custody due to the offense. This legislation is not applicable to veterinary medical or animal husbandry practices.

Although not specific to the behavior indicated in this legislation, AOC indicates there were 778 convictions for Cruelty to Animals (including inchoate offenses) in FY2015-2017. The Department does not have any offenders currently incarcerated for Cruelty to Animals and currently has twenty-three (23) offenders on supervision for this 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 offenders this legislation would generate.

As a misdemeanor offense, this offense would be at the cost of the county. Any additional offenders at the local level have a direct impact on current jail overcrowding.

However, given the nature of the offense, it is estimated that the number of offenders convicted under this offense would be limited. Therefore, it is expected that the impact to local jail facilities 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:**

  
\_\_\_\_\_  
Commissioner, Kentucky Department of Corrections

**3/9/2018**

Date