

CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # HB 157 Introduced . BR # 390 DOC ID #: xxxx

BILL SPONSOR(S): Rep. T. Branham Clark AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to assault on a service animal.

SUMMARY OF LEGISLATION: Amend KRS 525.200 to include assistance animals in the definition of "service animals" that are covered by assault on a service animal in the first degree.

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 \$71.10. 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 \$32.78 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 MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

The proposed legislation amends KRS 525.200 by deleting language stating that a service animal, for this section, has the same meaning as KRS 525.010, except a service animal does not include assistance dogs.

Assault on an assistance dog would therefore qualify for the Class D criminal offense of Assault on a Service Animal 1st Degree. Currently an assault on an assistance dog could be charged at the misdemeanor level as an Assault on a Service Animal 2nd Degree.

According to data provided by AOC, in FY2016-2018 there were nine (9) felony convictions for Assault on a Service Animal 1st Degree, with an additional nine (9) misdemeanor convictions for Assault on a Service Animal 2nd Degree. Currently, the Department has two (2) inmates and five (5) offenders on supervision for Assault on a Service Animal (three (3) felony Assault on a Service Animal 1st Degree and two (2) misdemeanor Assault on a Service Animal 2nd Degree). (Note: Includes inchoate offenses. Offenders may be serving on other charges.)

The Department's records do not distinguish the type of service animal that was involved in an Assault on a Service Animal, so it is unknown if the two (2) offenders who are currently incarcerated for Assault of a Service Animal 1st Degree were assaults conducted on assistance dogs.

As a Class D offender, offenders subject to incarceration for Assault on a Service Animal would serve their sentence in a county jail at a cost to the state of \$31.34 per day.

The Department cannot project how many additional offenses would be generated from the addition of assistance dogs to this statute; however, given the overall number of convictions involving service animals, the impact to DOC and resulting incarceration costs would be minimal.

A Class D Felony sentence is 1 to 5 years.
1 Class D Felon costs KY \$11,965 to \$59,824

10 Class D Felons cost KY \$119,649 to \$598,244
100 Class D Felons cost KY \$1.2M to \$6M

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 MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

Offenders convicted under Assault on a Service Animal 1st Degree would be a Class D felon housed in a county jail as a state inmate.

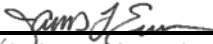
Assault on a Service Animal 2nd Degree is a Class B misdemeanor. There is no change to KRS 525.205 under this legislation.

It is not possible to know how many additional offenses would be generated for an assault on an assistance dog, but based on the small number of convictions for this offense overall, it is projected the impact to the local jails would be minimal.

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:  2/4/2019
Commissioner, Kentucky Department of Corrections Date