

CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # HB 37 Prefiled BR # 121 DOC ID #: 255

BILL SPONSOR(S): Rep. K. Bratcher, J. DuPlessis AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to an animal abuse registry

SUMMARY OF LEGISLATION: Create new sections of KRS Chapter 17 to establish the animal abuse offender registry; require the Kentucky State Police to maintain a registry of offenders who commit an animal abuse offense; establish the animal abuse offender registry fund; amend KRS 525.130 to increase the penalty for cruelty to animals in the second degree to a Class D felony for a second or subsequent offense; establish a short title of "Arrow's Law"; APPROPRIATION.

This bill amendment committee substitute is expected to:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Have the following Corrections impact | <input type="checkbox"/> Have no Corrections impact |
| <input checked="" 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)

This legislation establishes an animal abuse registry to be maintained by the Kentucky State Police. An animal abuse offense is established as convictions under KRS 525.125 Cruelty To Animals 1st Degree, KRS 525.130 Cruelty To Animals 2nd Degree, KRS 525.135 Torture Of A Dog Or Cat, 1st Offense, 2nd Or > Offense, Or Torture Dog/Cat W/Serial Physical Injury Or Death, or KRS 525.200 Assault On Service Animal, 1st Degree.

Offenders will be required to register for two (2) years for a first offense and five (5) years for a subsequent offense. Registration periods shall run consecutively. Offenders shall be registered by the releasing agency or by the Court at the time of conviction. A \$100 annual registration fee is imposed, but subject to waiver for indigency. The registry shall include a public website, with notification to each county sheriff. There is a good faith exemption for agency efforts to comply with registration and dissemination of registry information.

The legislation establishes a new Class A misdemeanor offense for violation of the animal abuse registry. A Class A misdemeanor is also established for providing false, misleading, or incomplete registry information.

Additionally, KRS 525.130 is amended to add a Class D felony offense for Cruelty to Animals in the 2nd Degree, 2nd or Subsequent Offense. Cruelty to Animals 2nd Degree is currently a Class A misdemeanor. Under the legislation, a first offense remains a Class A misdemeanor.

Data from AOC for FY2016-2018 for District and Circuit Court shows twenty-six (26) convictions for Torture of Dog or Cat, seven hundred twenty-four (724) convictions for Cruelty to Animals, and eighteen (18) convictions of Assault on a Service Animal (includes inchoate offenses).

Currently the Department has eleven (11) offenders incarcerated and forty-four (44) offenders on supervision for these offenses. Note: offenders may be serving on other offenses.

It is not known how many of the twenty-three (23) current Cruelty to Animal convictions under KRS 525.130 may be subject to future subsequent offenses and convicted of the increased felony level. As a Class D offender, offenders would serve their sentence in a county jail at a cost to the state of \$31.34 per day.

There is a financial impact to the Kentucky State Police for establishing and maintaining the animal abuse registry. If additional funding is not provided, this would be an unfunded mandated for the Kentucky State Police. While there is a registration fee, it is expected that a number of registrant fees would be waived due to indigency.

This legislation will require additional steps to be performed by Department of Corrections' Offender Information Services at the time of release from custody to register required individuals for the animal abuse registry. There would also be additional tracking required within the Kentucky Department of Corrections' offender management system for this release requirement.

The addition of a felony offense does increase the number of offenders subject to the Department's care and custody; overall, however, the number of additional offenders under this legislation is not expected to have a significant impact.

A Class D Felony sentence is 1 to 5 years.	10 Class D Felons cost KY \$119,649 to \$598,244
1 Class D Felon costs KY \$11,965 to \$59,824	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)

Under the legislation, local detention facilities would be required to register individuals upon release who are statutorily required to register with the animal abuse offender registry.

The legislation establishes Class A misdemeanors for non-compliance with the registry or providing false information. Misdemeanors are subject to the jurisdiction and cost of the county.

Additionally, the additional Class D felon generated by the legislation for Cruelty to Animals 2nd Degree Second or Subsequent Offense would be housed in a county jail as a state inmate. This provides additional revenue for jails. However, in times of current overcrowding any additional incarceration has an impact on the occupancy of jail beds.

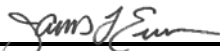
The number of offenders convicted and incarcerated under these offenses would likely be low. Overall, the impact to the county jails from this legislation is not expected to be significant.

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:  **12/11/2018**
Commissioner, Kentucky Department of Corrections Date