

CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # HB 98 Introduced BR # 307 DOC ID #: 1095

BILL SPONSOR(S): Rep. St. Onge AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to cruelty to equines.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 525 to prohibit cruelty to equines including situations involving abuse, neglect, and sexual contact; make cruelty to equines a Class D felony and provide for the termination of ownership; list exceptions; establish a short title of "Klaire's Law"; specify that the provisions of KRS 6.945(1) do not apply to this Act.

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) . | |
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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 creates a new criminal offense of cruelty to equines. This Class D felony offense occurs when an individual abuses an equine, resulting in serious physical injury or death, a body condition score of three (3) or less, or sexual contact for the purpose of sexual arousal, gratification, power, or financial gain.

Conviction under this offense includes restitution for damages and costs such as veterinary treatment. Ownership rights or conditions may be terminated or imposed. The legislation includes exceptions such as veterinary care, animal research, animal husbandry, etc. Restrictions under KRS 6.945(1) are not applicable under this legislation.

AOC records report 672 convictions statewide in FY2018 for the similar offense of Cruelty to Animals. Department of Corrections records reveal zero (0) inmates incarcerated for this offense, five (5) offenders on supervision for the Class D felony Cruelty to Animals 1st Degree, and twenty-three (23) offenders on supervision for the Class A misdemeanor offense of Cruelty to Animals 2nd Degree.

Offenders convicted under Cruelty to Equines would be eligible to serve their sentence in a local jail facility at a cost to the state of \$31.34 per day.

While this legislation creates a new criminal offense, overall, the number of offenders who would be convicted under Cruelty to Equines is not expected to be substantial.

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)

Offenders convicted under this legislation would be a Class D felon 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 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:  1/11/2019
Deputy Commissioner, Kentucky Department of Corrections Date