

CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # SB 101 Introduced . BR # 192 DOC ID #: xxxx

BILL SPONSOR(S): Sen. M. Wilson AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to cruelty to animals.

SUMMARY OF LEGISLATION: Amend KRS 525.130 to expand cruelty to animals in the second degree to include causing any animals to fight or killing any animal by poisoning.

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 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) . | |
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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)

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)

SB 101 modifies KRS 525.130, Cruelty to Animals 2nd Degree.

The legislation removes the specification of a four-legged animal in the description for cruelty to animals by way of causing the animal to fight for pleasure or profit. Under existing statute killing of any animal other than a domestic animal by poisoning is Cruelty to Animals 2nd Degree. The proposed legislation includes domestic animals and clarifies current statute wording related to the application for intentional poisoning of a dog or cat.

In FY2018, AOC reported 250 convictions for Cruelty to Animals 2nd Degree. Currently the Department of Corrections has twenty-three (23) offenders on supervision for Cruelty to Animals 2nd Degree.

Application of Cruelty to Animals 2nd Degree is expanded under the legislation. It is not possible to predict the number of additional offenses that would be charged under Cruelty to Animals 2nd Degree stemming from the changes provided in the legislation.

Cruelty to Animals 2nd Degree is a Class A misdemeanor, subject to the cost of the county.

Overall, the impact to incarceration at the local level is not expected to be significant.


A Class A misdemeanor is 90 days to 1 year in jail.
1 Class A misdemeanor: \$2,821 to \$11,439

10 Class A misdemeanants: \$28,206 to \$114,391
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:  2/13/2019
Deputy Commissioner, Kentucky Department of Corrections Date