

CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # SB 183 Introduced . BR # 1034 DOC ID #: xxxx

BILL SPONSOR(S): Sen. T. Buford AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to animal sheltering and care.

SUMMARY OF LEGISLATION: Kentucky Department of Agriculture and an outdoor sheltering and care ordinance that establishes standards for housing and caring for a dog that predominantly lives outdoors; require dog owners to obtain a dog license that will require the owner to agree to maintain the dog in accordance with the outdoor sheltering and care ordinance standards; require impoundment of a dog whose outdoor sheltering and care would reasonably lead to the animal's immediate injury or death; require owner's notification of an impounded dog for reason of inadequate outdoor sheltering and care include reference to applicable penalties and animal forfeiture; amend KRS 258.990 to create a first and second offense and penalties for violations of outdoor sheltering and care of a dog; subject an owner of a dog impounded for reasons of immediate injury or death to the penalties as would be for animal cruelty in the second degree and loss of ability to have a dog for a year and loss of being able to purchase a dog license; require forfeiture of the dog and inability to obtain a dog license for one year; place fines collected for violation of outdoor sheltering and care in the animal control and care fund at the Kentucky Department of Agriculture.

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 \$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 183 establishes regulations for the care and animal control for dogs. Local jurisdictions who maintain or contract for animal sheltering and control services are required to adopt the standards for animal control under KRS 258.119(3). Dog owners are required to provide adequate outdoor shelter for dogs who are predominantly housed outside, as well as provide for the care and health of the animal. Required dog licenses shall include agreement to

comply with the care standards established by the legislation. Endangering the animal to immediate injury or death would result in seizure and impoundment of the animal.

As established under KRS 258.990, violations under the legislation surrounding adequate provision of shelter to a dog shall result in a written warning for the 1st Offense and \$25-\$50 fine for a 2nd Offense. If the condition persists, each day shall be considered a separate offense.

Failure to adequately shelter an outdoor dog that reasonably leads to the dog's immediate injury or death shall be subject to a Class A misdemeanor.

The court may order restitution for costs incurred for sheltering the animal or veterinary treatment, as well as terminate ownership of the animal. The Court shall prohibit a dog license for at least one (1) year.

For comparison purposes, Cruelty to Animals 2nd Degree may involve abandonment or failing to provide adequate food, drink, space, or health care. 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.

It is unknown how many Cruelty to Animal 2nd Degree convictions may involve circumstances similar to those outlined by this legislation.

Additionally, AOC records report 168 convictions in FY 2018 under KRS 258.990 or KRS 258.991. Misdemeanor convictions and citations mostly surround vicious dogs, confinement and control of dogs, licensing, and vaccinations against rabies.

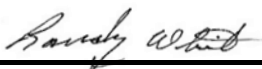
Overall, significant additional convictions would not be expected under this legislation. The anticipated impact to local incarceration would be minimal.

A Class A misdemeanor is 90 days to 1 year in jail.	10 Class A misdemeanants: \$28,206 to \$114,391
1 Class A misdemeanor: \$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:  **2/19/2019**
Deputy Commissioner, Kentucky Department of Corrections Date