Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 472
Bill #: SB 67 GA
Document ID #: 4636
Bill Subject/Title: AN ACT relating to sexual crimes against animals.
Sponsor: Senator Julie Raque Adams
Unit of Government: x City x County x Urban-County Unified Local x Charter County x Consolidated Local x Government
Office(s) Impacted: Local law enforcement and jails
Requirement: x Mandatory Optional
Effect on Powers & Duties:x _ Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

The fiscal impact of SB 67 GA is indeterminate and minimal. SB 67 GA defines "animal" and "sexual contact" and "sexual crimes against an animal", and provides that a sexual crime against an animal is a Class D felony. Regarding the statutory definition of "animal control officer" and the responsibilities of animal control officers, SB 67 GA provides that enforcing provisions against "sexual crimes against" animals is an additional responsibility of animal control officers. SB 67 GA grants animal control officers peace officer powers (except for the power of arrest) for enforcing sexual crimes against animals.

The impact on law enforcement and jails is indeterminate and minimal. SB 67 GA creates a new Class D felony crime and thus, there may be some increase in Class D felony arrests and incarcerations. The costs relating to Class D felony incarceration is described below.

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 76 full

service jails or four life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

Part III: Differences to Local Government Mandate Statement from Prior Versions

SB 67 GA adopted SB 67 SCS with no floor amendments. Part II above and **the fiscal impact remain the same**.

The SCS retained the original provisions of SB 67, and deleted Section 1 (6) that provided peace officers and animal control officers with authority to seize animals subject to sex crimes, or other animals owned by an individual believed to have committed sex crimes against an animal.

Regarding the statutory definition of "animal control officer" and the responsibilities of animal control officers, SB 67 SCS added (in additional statutes) "sexual crimes against" animals as an additional enforcement responsibility of animal control officers. SB 67 SCS also amended KRS 436.605 to grant animal control officers peace officer powers (except the power of arrest) for enforcing sexual crimes against animals.

SB 67 SCS make no changes affecting the fiscal impact of SB 67.

Data Source(s): Kentucky Sheriffs Association; Kentucky Association of Chiefs of Police; Kentucky Jailers Association; Kentucky Department of Corrections

Preparer: H. Marks Reviewer: KHC Date: 2/22/19