

CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # SB 67 SCS 1 BR # 472 DOC ID #: SB006740.100 - 472 - XXXX

BILL SPONSOR(S): Sen. J. Adams, D. Harper Angel, P. Hornback, D. Seum, D. Thayer

AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to sexual crimes against animals.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 525 to establish the offense of sexual crimes against an animal; define "animal" and "sexual contact"; list exceptions including, animal husbandry; amend KRS 436.605 to add sexual crimes against an animal to the list of crimes for which an animal control officer may utilize peace officer powers.

AMENDMENT: Create a new section of KRS Chapter 525 to create the offense of sexual crimes against an animal; provide a list of exceptions; require the court to terminate ownership of the animal that was the subject of the offense; amend KRS 258.005 to include sexual crimes against animals in the list of crimes an animal control officer may enforce; amend KRS 258.095 to include sexual crimes against animals in the list of crimes an animal control officer may enforce; amend KRS 436.605 to grant animal control officer peace officer powers for enforcing sexual crimes against animals.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

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|--|--|
| <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 sexual crime against an animal when an individual engages in sexual activity with an animal; advertises, solicits, offers, accepts, possesses, purchases, or obtains an animal with the intent to subject the animal to sexual contact; or causes or aids another person to engage in sexual activity with an animal.

This legislation creates a Class D felony offense of Sexual Crimes against an Animal.

Sexual contact between a person and an animal is defined. This legislation is not applicable to veterinary practices and other legitimate breeding, birthing, and animal care activities.

An offender convicted of this offense shall be ordered by the Court to relinquish custody of all animals under his or her control. An offender shall be prohibited from owning or residing where animals are present. Further, he or she may not work or volunteer with unsupervised access to animals for a minimum of five (5) years after completion of the sentence. An offender shall attend a treatment program or counseling and provide reimbursement for the care and treatment of the animal(s) from the date of removal until disposition of the criminal proceedings.

A peace officer or animal control officer may seize an animal given probable cause to believe there has been a violation of this law. KRS 436.605 is amended to provide animal control officers and other identified officials tasked with providing animal shelter or animal control services with peace officer powers (except arrest powers) for enforcement of this offense.

Although not specific to the offense included in this legislation, AOC indicates there were 253 convictions for Cruelty to Animals and five (5) convictions for Torture of a Cat or Dog (including inchoate offenses) in FY2018. The Department does not have any offenders currently incarcerated for Cruelty to Animals and currently has twenty-eight (28) offenders on supervision for this offense. There are nine (9) offenders incarcerated and eleven (11) offenders on supervision for Torture of a Cat or a Dog. (Note: offenders may be incarcerated on other charges.)

It is unknown how many, if any, of these offenses would have involved sexual assault on an animal. Therefore it is not possible to estimate how many offenders would be convicted of sexual crimes committed against animals.

As a Class D offender, offenders subject to this offense would serve their sentence in a county jail at a cost to the state of \$31.34 per day.

Given the nature of the offense, it is estimated that the number of offenders convicted under this statute would be limited. Any corresponding impact to incarceration would be minimal.

Senate Committee Substitute:

The Senate Committee Substitute removes authorization for seizure of an animal by a peace officer or animal control officer on the basis of probable cause that a violation of the legislation has occurred. Added to the bill is KRS 258.005 and KRS 258.095 adding sexual crimes against animals to the definition of animal control officer.

There is no impact to Corrections under the Senate Committee Substitute.

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 Class D felons housed in a county jail as state inmates. This provides additional revenue for jails. However, in times of current overcrowding any additional incarceration has an impact on the occupancy of jail beds.

Overall, due to the limited number of convictions for Sexual Crimes against an Animal, the impact to local incarceration would be expected to be minimal.

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:  **2/18/2019**
Deputy Commissioner, Kentucky Department of Corrections Date