

CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # HB 106 Prefiled BR # 135 DOC ID #: xxxx

BILL SPONSOR(S): Rep. C. Stevenson AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to cruelty to animals.

SUMMARY OF LEGISLATION: Amend KRS 525.130 to require forfeiture of animals subjected to cruelty, and make technical changes.

AMENDMENT: .

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 checked="" 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 \$75.91. Community Custody Class C and most Class D felons are housed in one of 77 full service jails for up to 5 years. Department of Corrections' cost to incarcerate a felony inmate in a jail is \$36.70 per day, which includes \$31.34 per diem, medical costs, & central office administrative costs (substance abuse treatment not included). *Projections are based on the daily rate x 365 days x number of years. Offenders may have multiple offenses or incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

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. Since the per diem is an estimated average cost of housing an inmate, the per diem may not be the actual housing cost for the jail. *Projections are based on the daily rate x 365 days x number of years. Offenders may have multiple offenses or incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

The legislation modifies KRS 525.130, Cruelty to Animals 2nd Degree. Cruelty to Animals 2nd Degree is a Class A misdemeanor.

Under the bill, additional penalties shall be imposed by the court for those convicted of Cruelty to Animals 2nd Degree. Previously these penalties were specific to equine cases and application was permissive. Penalties imposed include restitution, including costs incurred for feeding, sheltering, veterinary treatment and care of the animal, and termination of the person's right to possess or care for animals for at least five (5) years following the sentence. If the ownership of the animal is terminated through a court order, the court may order the sale or other disposition of the animal. Under current statute this action is applicable only to equines.

The legislation does not specify a penalty for violation of the restrictions imposed by the Court, though it may be assumed that violations would be subject to contempt. It should be noted that restitution and forfeiture as outlined under this legislation is not currently applicable to Cruelty to Animals 1st Degree.

In FY2019, AOC reported 972 convictions for Cruelty to Animals 2nd Degree. Currently the Department of Corrections has seventeen (17) offenders on supervision for Cruelty to Animals 2nd Degree.

The legislation would not increase the number of convictions for Cruelty to Animals, but does enhance the penalty for the offense through the imposition of additional conditions by the court.

As Cruelty to Animals is a misdemeanor, any incarceration costs incurred are subject to the cost of the county.

There is no additional impact to incarceration stemming from this legislation.

A Class A misdemeanor is 90 days to 1 year in jail.
1 Class A misdemeanor: \$2,820.60 to \$11,439.10

10 Class B misdemeanants: up to \$28,206.00
100 Class A misdemeanants: \$282,060.00 to \$1,143,910.00

Projected Corrections Impact from Amendments:

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: Karen M. Keagy 1/9/2020
Commissioner, Kentucky Department of Corrections Date