

CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # HB 178. Prefiled BR # 358 DOC ID #: xxxx

BILL SPONSOR(S): Rep. T. Branham Clark AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to assault on a service animal.

SUMMARY OF LEGISLATION: Amend KRS 525.200 to include assistance animals in the definition of "service animals" that are covered by assault on a service animal in the first degree.

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 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 \$75.91. Community Custody Class C and most Class D felons are housed in one of 76 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)

The proposed legislation amends KRS 525.200 by deleting language stating that a service animal, for this section, has the same meaning as KRS 525.010, except a service animal does not include assistance dogs.

Assault on an assistance dog would therefore qualify for the Class D criminal offense of Assault on a Service Animal 1st Degree. Currently an assault on an assistance dog could only be charged at the misdemeanor level as an Assault on a Service Animal 2nd Degree.

According to data provided by AOC, in FY2019 there were zero (0) felony convictions for Assault on a Service Animal 1st Degree and four (4) misdemeanor convictions for Assault on a Service Animal 2nd Degree.

Currently, the Department has two (2) inmates and five (5) offenders on supervision for Assault on a Service Animal (two (2) for felony Assault on a Service Animal 1st Degree and three (3) for misdemeanor Assault on a Service Animal 2nd Degree).

The Department's records do not distinguish the type of service animal that was involved in an Assault on a Service Animal, so it is unknown if the three (3) offenders who are currently incarcerated for Assault of a Service Animal 2nd Degree were assaults conducted on assistance dogs which could, if convicted under the new legislation, meet the elements for a felony conviction under a 1st Degree conviction.

As a Class D offender, offenders subject to incarceration for Assault on a Service Animal would serve their sentence in a county detention center at a cost to the state of \$36.70 per day.

The Department cannot project how many additional offenses would be generated from the addition of assistance dogs to this statute; however, given the overall number of convictions involving service animals, the impact to DOC and resulting incarceration costs would be minimal.

A Class D Felony sentence is 1 to 5 years.

1 Class D Felon costs KY \$13,396.97 to \$66,984.87

10 Class D Felons cost KY \$133,969.74 to \$669,848.70

100 Class D Felons cost KY \$1,339,697.40 to \$6,698,487.00

