

# CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # HB 216 GA BR # 253 DOC ID #: HB021610.100 - 253 - XXXX

**BILL SPONSOR(S):** Rep. W. Thomas, K. Banta, T. Bojanowski, C. Booker, T. Branham Clark, K. Bratcher, M. Cantrell, J. DuPlessis, K. Flood, D. Frazier, C. Freeland, J. Graviss, M. Hart, S. Heavrin, R. Huff, J. Jenkins, N. Kulkarni, S. Lewis, C. Massey, B. McCool, R. Meyer, C. Miller, P. Minter, K. Moser, J. Nemes, D. Osborne, R. Palumbo, P. Pratt, M. Prunty, D. Schamore, S. Sheldon, J. Sims Jr, C. Stevenson, S. Westrom, B. Wheatley, L. Willner, L. Yates **AMENDMENT SPONSOR(S):** . .

**TITLE:** AN ACT relating to interpersonal violence.

**SUMMARY OF LEGISLATION:** Amend KRS 403.720 to include violence against an animal used as coercive conduct in the definition of "domestic violence and abuse"; amend KRS 403.740 to allow a judge to award possession of a domestic animal to the petitioner; amend KRS 456.010 to include violence against an animal used as coercive conduct in the definition of "dating violence and abuse"; amend KRS 456.060 to allow a judge to award possession of a domestic animal to the petitioner.

**AMENDMENT:** Amend KRS 403.720 to include violence against a domestic animal owned by the person for whom protection is sought used as coercive conduct in the definition of "domestic violence and abuse"; amend KRS 403.740 to allow a judge to award possession of a domestic animal to the petitioner; amend KRS 456.010 to include violence against a domestic animal owned by the person for whom protection is sought used as coercive conduct in the definition of "dating violence and abuse"; amend KRS 456.060 to allow a judge to award possession of a domestic animal to the petitioner.

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**This  bill  amendment  committee substitute is expected to:**

**Have the following Corrections impact**  **Have no Corrections impact**

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|--|--|
| <input 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) |  |

**Otherwise impacts incarceration (Explain):** *Includes violation against an animal in the definition of domestic violence and abuse.*

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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 seventy-seven (77) full service or regional jails for up to five (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)

Under KRS 403.720 and KRS 456.010 the definition of domestic violence and abuse is amended to add any conduct prohibited by KRS 525.125 Cruelty to Animals 1<sup>st</sup> Degree, KRS 525.130 Cruelty to Animals 2<sup>nd</sup> Degree, KRS 525.135 Torture of Dog or Cat, or KRS 525.137 Sex Crime Against an Animal conducted towards a domestic animal when used as a method of coercion, control, punishment, intimidation, or revenge directed against a family member, a member of an

unmarried couple or dating relationship. Harm to a domestic animal is added to the definition of substantial violation of a protective order.

Under a domestic violence or interpersonal protective order, the court may award possession of shared domestic animals to the petitioner (KRS 403.730 and KRS 456.060).

Under the legislation, acts of violence against domestic animals for the purpose of control, intimidation, etc., may be used as a factor showing domestic violence and abuse in a petition for a protection order under KRS 403.725 or an interpersonal protective order under KRS 456.030. This may contribute to increased numbers of protective orders issued under the legislation.

Records from CY2019 indicate 30,855 Interpersonal Protective, Emergency Protective, or Domestic Violence Orders issued through District and Family Court.

As the legislation includes actual or threatened harm to a domestic animal belonging to an individual protected by an order of protection as a substantial violation of that order of protection, there could be an increase in violations of protective orders under the legislation.

Violation of Kentucky EPO/DVO/IPO is a Class A misdemeanor.

There were 2,779 convictions for Violation of Kentucky EPO/DVO/IPO in FY2019.

The Department currently has 478 offenders on supervision for Violation of EPO/DVO/IPO.

Overall, the impact to misdemeanor incarceration or supervision stemming from this legislation would be expected to be minimal.

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 A misdemeanants: \$28,206.00 to \$114,391.00  
100 Class A misdemeanants: \$282,060.00 to \$1,143,910.00

**Projected Corrections Impact from Amendments:**

House Committee Substitute:

The House Committee Substitute provides a definition for domestic animal as a personal pet within a domestic habitat. Language under the definition for domestic violence and abuse is clarified, referring to a domestic animal owned by the person for whom the protection is sought. These two definitions are included in KRS 403.720 and KRS 456.010. There is slight modification to wording describing the award of possession for jointly owned domestic animals in KRS 403.740 & KRS 456.060.

There is no additional impact to corrections under the House Committee Substitute.

HB 216 passed the House with the Committee Substitute.

**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:  3/23/2020  
Commissioner, Kentucky Department of Corrections Date