

# CORRECTIONS IMPACT STATEMENT

SESSION: 21RS BILL # HB 229 GA BR # 1033 DOC ID #: xxxx

BILL SPONSOR(S): Rep. M. Koch AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to the protection of livestock.

**SUMMARY OF LEGISLATION:** Amend KRS 512.010 to include "livestock" as defined in KRS 150.010 in the definition of "property" for the purposes of criminal damage to property offenses.

**AMENDMENT:** .

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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 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 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)

Revisions to KRS 512.010 changes the definition of cattle as property to include livestock as defined in KRS 150.010. The change would widen property offenses under KRS 512 (such as Criminal Mischief) to apply to damages to all livestock, not just cattle. Livestock would include cattle, sheep, swine, goats, horses, alpacas, llamas, and buffaloes.

Criminal Mischief 1<sup>st</sup> Degree is a Class D felony, subject to service of a sentence at a Class D detention facility at a cost to the state of \$37.35 per day. Criminal Mischief 2<sup>nd</sup> Degree is a Class A misdemeanor and Criminal Mischief 3<sup>rd</sup> Degree is a Class B misdemeanor.

Currently the Department has 2,652 offenders incarcerated or on supervision for convictions of felony offense of Criminal Mischief 1<sup>st</sup> Degree, 272 offenders on supervision for misdemeanor Criminal Mischief 2<sup>nd</sup> Degree, and 325 offenders on supervision for misdemeanor Criminal Mischief 3<sup>rd</sup> Degree. It is not known how many of these would have involved livestock property.

AOC records for FY2020 reflect the following convictions: 645 for Criminal Mischief 1<sup>st</sup> Degree, 1,006 for Criminal Mischief 2<sup>nd</sup> Degree, and 1,395 for Criminal Mischief 3<sup>rd</sup> Degree.

It is not known how many additional convictions would be incurred due to the change in the definition, but the impact to incarceration is not expected to be substantial.

## Cost to Incarcerate

A Class D Felony sentence is 1 to 5 years.

1 Class D Felon costs KY \$13,634.54 to \$68,172.72

10 Class D Felons cost KY \$136,345.44 to \$681,727.22

100 Class D Felons cost KY \$1,363,454.45 to \$6,817,272.25

**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)

Class D offenders subject to this offense would serve their sentence in a county jail at an average cost to incarcerate of \$37.35 per day, with \$31.34 daily reimbursement to the local detention center.

Misdemeanors are subject to the jurisdiction and cost of the county.

Housing state inmates in county jails does provide an opportunity for additional revenue for jails. However, any additional incarceration does have an impact on local jail capacity.

The impact to incarceration based on this legislation would be expected to be minimal.

Cost to Incarcerate

A Class A misdemeanor is 90 days to 1 year in jail.	10 Class A misdemeanants: \$33,619.42 to \$136,345.44
1 Class A misdemeanor: \$3,361.94 to \$13,634.54	100 Class A misdemeanants: \$336,194.25 to \$1,363,454.45
A Class B misdemeanor is up to 90 days in jail.	10 Class B misdemeanants: up to \$33,619.42
1 Class B misdemeanor: up to \$3,361.94	100 Class B misdemeanants: up to \$336,194.25

**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:**  \_\_\_\_\_ **1/25/2021**  
 Chief of Staff, Kentucky Department of Corrections Date