

# CORRECTIONS IMPACT STATEMENT

SESSION: 21RS BILL # HB 466 Introduced BR # 1724 DOC ID #: xxxx

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

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

**SUMMARY OF LEGISLATION:** Amend KRS 525.200 to remove the exemption of assistance dogs from the definition of a service dog.

**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 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 \$80.24. 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 \$37.35 per day, which includes \$31.34 per diem, medical costs, & central office administrative costs (substance abuse treatment not included).\*

**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 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 1<sup>st</sup> Degree. Currently an assault on an assistance dog could be charged at the misdemeanor level as an Assault on a Service Animal 2<sup>nd</sup> Degree.

- ◆ According to data provided by AOC, in FY2019 there were zero (0) felony convictions for felony Assault on a Service Animal 1<sup>st</sup> Degree and five (5) misdemeanor convictions for Assault on a Service Animal 2<sup>nd</sup> Degree. (Note: Includes inchoate offenses.)
- ◆ 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 one (1) offender who is currently incarcerated for a conviction of Assault on a Service Animal 1<sup>st</sup> Degree was an assault conducted on an assistance dog. In addition, there are two (2) offenders on supervision for felony Assault on a Service Animal 1<sup>st</sup> Degree and three (3) offenders on supervision for misdemeanor Assault on a Service Animal 2<sup>nd</sup> Degree.
- ◆ Offenders convicted under Assault on a Service Animal 1<sup>st</sup> Degree would be a Class D felon housed in a county jail as a state inmate.

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.

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. The estimated impact will be based on the \$37.35 cost to

incarcerate while \$31.34 is the per diem and medical that DOC pays jails to house felony offenders. Since the cost to incarcerate is an estimated average cost of housing an inmate, this may not be the actual housing cost for the jail.\*

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

As a Class D offender, offenders subject to incarceration for Assault on a Service Animal would serve their sentence in a county jail at a cost to the state of \$37.35, with the jail receiving \$31.34 in daily reimbursement.

There is no change to KRS 525.205 under this legislation.

- ◆ Assault on a Service Animal 2<sup>nd</sup> Degree is a Class B misdemeanor. Misdemeanors are subject to the jurisdiction and cost of the county.

The projected impact to local jails from this legislation would be minimal.

**Cost to Incarcerate**

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:**

*\*All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

**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, lengthens the term or incarceration, or impose new obligations on state or local governments.

**APPROVED BY:**  **2/24/2021**  
Chief of Staff, Kentucky Department of Corrections Date