

# CORRECTIONS IMPACT STATEMENT

SESSION: 21RS BILL # SB 57 Introduced BR # 1085 DOC ID #: xxxx

BILL SPONSOR(S): Sen. J. Higdon AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to assistance dogs.

**SUMMARY OF LEGISLATION:** Amend KRS 258.500 to prohibit the misrepresentation of assistance dogs; allow peace officers to investigate; amend KRS 258.991 to remove jail penalty and to conform.

**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 checked="" 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)

**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)

The legislation prohibits the misrepresentation of an assistance dog. A definition for an assistance dog and assistance dog in training is established in KRS 258.500 and assistance dogs in training are added to the statute.

The offense of misrepresentation of an assistance dog is established when a person expressly or implicitly represents a dog to be an assistance dog or an assistance dog in training, knowing the animal does not meet the requirements, and takes the animal to a public place with some form of identification representing the dog as an assistance dog or assistance dog in training. Refusal to answer questions by a peace officer or animal control officer presumes the animal is not an assistance dog or an assistance dog in training.

Under KRS 258.991, the penalty of violating KRS 258.500 is set as a \$250-\$1,000 fine. Current statutes includes a penalty provision of ten (10) to thirty (30) day jail sentence, which is removed.

The Kentucky Department of Corrections does not reflect any individuals under supervision for this offense. AOC records reflect zero (0) convictions from FY18-20 under KRS 258.500 or KRS 258.991.

Misdemeanor offenses fall under the jurisdiction and cost of the county.

The removal of jail time for this offense reduces incarceration. The number of incarcerations to date for this offense is likely to be minimal. As such, the impact to local incarceration by the removal of that provision is minimal.

**Cost to Incarcerate**

A Class B misdemeanor is up to 90 days in jail.  
1 Class B misdemeanor: up to \$3,361.94

10 Class B misdemeanants: up to \$33,619.42  
100 Class B misdemeanants: up to \$336,194.25

**Projected Corrections Impact from Amendments:**

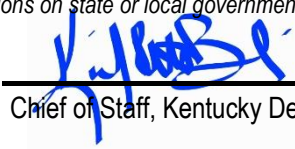
*\*All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers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



Chief of Staff, Kentucky Department of Corrections

**1/25/2021**

Date