

CORRECTIONS IMPACT STATEMENT

SESSION: 22RS BILL # HB 709 Introduced BR # 132 DOC ID #: xxxx

BILL SPONSOR(S): Rep. K. Banta AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to animals.

SUMMARY OF LEGISLATION: Create new sections of KRS Chapter 525 to define terms; establish crimes of animal abuse in the first degree and animal abuse in the second degree; authorize law enforcement and animal control officers to seize and hold animals who are victims of cruelty or abuse; allow a seizing agency to seek forfeiture and reimbursement for reasonable costs of caring for seized animals from the owner of the animal in the criminal case; provide that the costs of caring for a seized animal shall apply to any offspring born to that animal while in custody; grant civil immunity to a person who enters a car containing a dog or cat believed in good faith to be in danger of death, subject to certain parameters; amend KRS 525.125 and KRS 525.130 to provide for the seizure of animals from a person charged with cruelty to animals in the first degree and from a person charged with cruelty to animals in the second degree with additional available penalties; amend KRS 525.137 to allow seizure of an animal that has been the object of sexual crimes against an animal.

AMENDMENT: .

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|--|--|
| <input checked="" 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) | |
| <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 \$97.60. Community Custody Class C and most Class D felons are housed in one of seventy-four (74) full service or regional jails for up to five (5) years. Department of Corrections' cost to incarcerate a felony inmate in a jail is \$35.43 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 legislation modifies states relating to Animal Abuse. Depending on how many offenders are subject to the increased penalties under the legislation, the increased incarceration costs could fall in the moderate to significant range.

The legislation repeals and reenacts KRS 525.135 (Torture of a Dog or Cat) under Animal Abuse:

- Creates Animal Abuse 1st Degree as a Class D felony for the intentional, knowing, or reckless serious physical injury, torturing, or extreme neglect of a dog or cat.
 - Individuals convicted of Animal Abuse 1st Degree shall not be released on community supervision or early release until service of fifty percent (50%) of the sentence imposed if they were previously convicted of offenses in the legislation, if committed as part of domestic or dating violence, or committed in the presence of a child.
 - Currently a Class D offense is eligible to see the parole board at fifteen percent (15%) of the sentence.
- Creates Animal Abuse 2nd Degree as a Class A misdemeanor and defines it as intentional, knowing, or reckless physical injury to a dog or cat.
 - The offense is enhanced to a Class D felony if there are previous convictions under the legislation, if committed as part of domestic or dating violence, or committed in the presence of a child.

The legislation outlines behavior that does not fall under the statute, such as for veterinary care. Seizure of abused animals is added to several statutes. Rescues for animals locked in hot vehicles are included.

- Under KRS 525.130 Cruelty to Animals 2nd Degree, current statute language relating to the intentional poisoning of a cat or dog is deleted. Cruelty to Animals 2nd Degree is a Class A misdemeanor.

AOC records reflect thirteen (13) convictions for Torture of a Dog or Cat for the past fiscal year.

The Department of Corrections currently has six (6) inmates serving on convictions for Torture of a Dog or Cat. There are currently twelve (12) offenders on supervision for felony or misdemeanor levels of these offenses.

There are currently two (2) inmates on a second offense which would, under the legislation, be elevated to fifty percent (50%) parole eligibility. Additionally, there is currently one (1) community offender who under the legislation would not be eligible for community supervision. It is unknown how many additional occurrences under the KRS 525.135 offenses which may be performed as part of domestic/dating violence or in the presence of a minor, etc., which would be prohibited from community supervision and subject to the longer sentence.

For inmates currently serving on a second or greater offense, the average sentence length is 1,323 days. Increasing the parole eligibility from fifteen percent (15%) to fifty percent (50%) would be an additional 383 days incarceration. At the Class D jail per diem rate of \$31.34, the cost would be right at \$12,000 for each inmate.

It is not known how many additional offenders would be subject to the revised penalties under this legislation. However, given the prohibition for probation supervision and the higher parole eligibility date, there would be an impact to incarceration.

Cost to Incarcerate

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost KY \$129,318.61 to \$646,593.03

1 Class D Felon costs KY \$12,931.86 to \$64,659.30

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 \$35.43 cost to incarcerate for the Department of Corrections, including \$31.34 per diem and medical that DOC pays jails to house felony offenders. This cost to incarcerate may not be the actual housing cost for the jail.*

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

The changes to the statute under this legislation would not significantly alter the number of individuals incurring misdemeanor criminal charges. There would not be expected to be a significant impact to incarceration at the local level under the legislation.

Class D offenders would serve their sentence in a county detention facility at a cost to the Department of \$35.43 per day, with \$31.34 daily reimbursement to the local detention center.

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

Cost to Incarcerate

A Class A misdemeanor is 90 days to 1 year in jail.

10 Class A misdemeanants: \$31,886.78 to \$129,318.61

1 Class A misdemeanant: \$3,188.68 to \$12,931.86

100 Class A misdemeanants: \$318,867.80 to \$1,293,186.06

PROJECTED IMPACT FROM AMENDMENTS:

NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

**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

3/18/2022

Date