

CORRECTIONS IMPACT STATEMENT

SESSION: 23RS BILL # HB 115 GA BR # 240 DOC ID #: xxxx

BILL SPONSOR(S): Rep. B. Wesley, A. Tackett Laferty, D. Fister, R. Heath, J. Hodgson, C. Massaroni, K. Timoney, T. Truett AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to service animals.

SUMMARY OF LEGISLATION: Amend KRS 525.010 to define "electronic detection dog" and "police dog"; amend KRS 525.220 to only allow the protection of self or others in instances of unlawful force; amend KRS 525.200 to conform; allow the Act to be cited as Bo's Law.

AMENDMENT: Retain original provisions; delete Section 2 of the bill, relating to assault on a service animal; delete short title.

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 \$105.23. 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 \$40.11 per day, which includes \$35.34 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 modification to statute under this legislation would have a very minimal impact on incarceration. While the proposed modification widens behavior subject to the offense of Assault on a Service Animal, the number of additional convictions incurred due to the proposed modifications would not be expected to be substantial. The number of current convictions for the offense of Assault on a Service Animal is minimal.

Electronic detection dogs and police dogs are added to the definition of service animals in KRS 525.010.

The legislation modifies KRS 525.220 by narrowing the exclusion from the offense of Assault on a Service Animal from physical force against a service animal in protection of self or a third party, to physical force believed to be necessary for protection for self or a third party against the use or imminent use of unlawful physical force by the service animal.

Assault on a Service Animal 1st Degree is a Class D felony under KRS 525.200.

Currently the Department has zero (0) inmates and one (1) individual on community supervision for Assault on a Service Animal 1st Degree. Two (2) individuals are on misdemeanor probation under KRS 525.205 Assault on a Service Animal 2nd Degree.

In FY22, AOC reports zero (0) convictions for KRS 525.200 Assault on a Service Animal 1st Degree and six (6) convictions for KRS 525.205 Assault on a Service Animal 2nd Degree.

Cost to Incarcerate

A Class D Felony sentence is 1 to 5 years.

1 Class D Felon costs KY \$14,638.94 to \$73,194.71

10 Class D Felons cost KY \$146,389.42 to \$731,947.13

100 Class D Felons cost KY \$1,463,894.26 to \$7,319,471.31

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 \$40.11 cost to incarcerate for the Department of Corrections, including \$35.34 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 modifications under the statute would have a negligible impact on local incarceration.

Felony offenders convicted of Assault on a Service Animal would be housed in a county jail as a state inmate at an estimated cost of \$40.11 per day, with \$35.34 daily reimbursement from the Department to the local detention center.

PROJECTED IMPACT FROM AMENDMENTS:

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

.There is no additional impact from HCS 1.

**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

3/9/2023

Date