

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: SB 243

Introduced.

BR #:1901

BILL SPONSOR(S): Sen. G. Elkins

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to animal fighting.

SUMMARY OF LEGISLATION: Amend KRS 525.125 to define "animal fight"; provide that a person is guilty of cruelty to animals in the first degree when he or she knowingly causes an animal to engage in an animal fight, participates in the organization or operation of an animal fight, is present at an animal fight, or allows a minor to attend an animal fight; provide that falconry authorized by a valid permit and hunting license shall not constitute a violation of this section; provide that cruelty to animals in the first degree is a Class A misdemeanor if a person is present at an animal fight or allows a minor to attend an animal fight; require the court to forfeit the animal that is the subject of the violation, terminate or limit a person's ability possess animals, and transfer the animal to the original owner or the county animal control officer; amend KRS 515.130 and 436.610 to conform.

AMENDMENT:

This bill amendment committee substitute is expected to:

Have the following Corrections impact

- Creates new crime(s)
- Increases penalty for existing crime(s)
- Increases incarceration
- Reduces inmate/offender services
- Increases staff time or positions
- Changes elements of the offense for existing crime(s)
- Otherwise impacts incarceration (Explain):

Have no Corrections impact.

- Repeals existing crime(s)
- Decreases penalty for existing crime(s)
- Decreases incarceration.
- Increases inmate/offender services.
- Reduces staff time or positions.

STATE IMPACT: Class A, B, & C felonies are based on an average daily prison rate of \$116.93. 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 jail is \$44.97 per day, which includes \$35.34 per diem, medical costs, and central office administrative costs (substance abuse treatment not included).*

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

This legislation may have a minimal impact on the operational costs by expanding the definition of a Class D felony. The necessary appropriations associated with the costs estimated in this corrections impact statement require a continuation of current service funding for adult correctional institutions.

Class D felons are housed in a county jail and DOC pays counties a per diem for housing those inmates. A Class D Felony sentence is 1 to 5 years. One (1) Class D Felon costs KY \$16,414.05 to \$82,070.25.

There are currently no inmates in custody and 7 offenders on supervision for Cruelty To Animals-1st.

LOCAL IMPACT: Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until the disposition of the case. The estimated impact will be based on the \$44.97 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)

This legislation may have a minimal impact on the operational costs by expanding the definition of a Class D felony and establishing a new Class A misdemeanor. Class D felons are housed in a county jail and DOC pays counties a per diem for housing those inmates. A Class D Felony sentence is 1 to 5 years. One (1) Class D Felon costs KY \$16,414.05 to \$82,070.25. Establishing new misdemeanor offenses could result in additional county prisoners being housed in county jails.

Misdemeanor offenders are subject to the jurisdiction and cost of the county. A Class A misdemeanor is 90 days to 1 year in jail. One (1) Class A misdemeanor costs \$4,047.30 to \$16,414.05.

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, lengthen the term of incarceration, or impose new obligations on state or local governments.



APPROVED BY: _____

Chief of Staff, Kentucky Department of Corrections

3/6/2024

Date