

CORRECTIONS IMPACT STATEMENT

SESSION: 23RS BILL # HB 321 Introduced BR # 1319 DOC ID #: xxxx

BILL SPONSOR(S): Rep. K. Bratcher & J. Nemes AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to animals.

SUMMARY OF LEGISLATION: Create or repeal and reenacted 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 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

- | | |
|--|--|
| ☒ Creates new crime(s) | ☐ Repeals existing crime(s) |
| ☐ Increases penalty for existing crime(s) | ☐ Decreases penalty for existing crime(s) |
| ☐ Increases incarceration | ☐ Decreases incarceration |
| ☐ Reduces inmate/offender services | ☐ Increases inmate/offender services |
| ☐ Increases staff time or positions | ☐ Reduces staff time or positions |
| ☐ Changes elements of offense for existing crime(s) | |
| ☐ Otherwise impacts incarceration (Explain) . | |
-

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)

Establishing new felony and misdemeanor offenses would impact the number of offenders potentially incarcerated and/or placed on supervision.

We cannot anticipate the number of new convictions; however, it would be minimal cost increase to the department. There are currently 10 inmates in custody and 52 offenders on supervision for animal related offenses.

Offenders convicted of the new felony established in this bill may be eligible for housing in a jail dependent on other convictions and prior record.

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)

A new misdemeanor offense, which could impact the county jail's county inmate population.

Establishing new misdemeanor offenses could result in additional county prisoners being housed in county jails, but the impact is expected to be a minimal increase.

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

2/24/2023

Date