Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2015 Regular Session

Part I: Measure Information

| Bill Request #: 979 |
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| Bill #: HB 177 HCS |
| Bill Subject/Title: An ACT relating to cruelty to animals. |
| Sponsor: Rep. Greg Stumbo |
| Unit of Government: x City x County x Urban-County |
| Office(s) Impacted: all law enforment officers andoffices, local animal control officers |
| Requirement:x _ Mandatory Optional |
| Effect on Powers & Duties:x _ Modifies Existingx _ Adds New Eliminates Existing |

Part II: Purpose and Mechanics

HB 177 HCS retains the provisions of HB 177 and clarifies the definition of "adequate shelter" to apply to animals; adds "abuse" to the list of actions included in mistreatment in KRS 525.130; and changes the language in Section 2(1) (b) to include "adequate shelter as defined in Section 1 of this Act" instead of "space, shelter".

Section 1 of HB 177 HCS amends KRS 525.010 to define "adequate shelter" for livestock and for domestic animals other than livestock. For livestock, the standards promulgated under KRS 257.196 are required. For animals which are owned by or in the custody of a person "adequate shelter" means, "a structure appropriate for the animals age, physical condition, and species that provides protection from the elements and weather conditions so as to maintain the animal in a good state of health."

Section 2 amends KRS 525.130 to add "abuse" to cruel or injurious mistreatment and further defines "cruel neglect" as "including but not limited to failure to provide adequate food, potable water, health care, or adequate shelter as defined in Section 1 of this Act. Cruel neglect also removes the provision that relates to killing a domestic animal by poisoning, but includes those involved in causing four legged animals to fight for pleasure or profit.

Section 2 retains language providing certain exemptions from provisions of the statute but adds that these exemptions must be inconformity with "standard" "reasonable", "lawful" and "recognized methods," as set forth.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact of HB 177 HCS on local government is expected to be minimal.

The bill provides protections for animals by an expansion of the definitions of cruelty and neglect. Some additional time and effort for training would be required concerning the expanded animal care provisions of KRS 525.010 and KRS 525.130.

Although the bill relocates language, it makes no changes to the statute regarding animal fighting definitions or penalties. However, two provisions of KRS 525.130 could result in additional fines or jail time. First, there could be some increased instances of cruelty to animals in the second degree, punishable by a Class A Misdemeanor. Second, the change in Section 2 (2) effectively makes its provisions relate to all "actions taken with regard to animals" rather than just to "killing of animals". This could result in some additional fines or Class A Misdemeanor charges and jail time.

While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day. The number of new charges are expected to be limited, thus the new costs are expected to be minimal.

Data Source(s): LRC staff, KY League of Cities; KY Association of Counties, Ky

Association of Chiefs of Police; KY Sheriffs Association; KY Animal

Control Association

Preparer: Hank Marks Reviewer: MCY Date: 2/25/15