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

Part I: Measure Information

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

Part II: Purpose and Mechanics

Section 1 of HB 177 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 domestic animals "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 of HB 177 amends KRS 525.130 to further define "cruel neglect" as "failure to provide adequate food, **potable water**, space, **shelter**, or health care" to an animal in one's custody. In this definition a failure to provide "potable water" and "shelter" are being added to the definition of cruel neglect. Additionally, the bill moves into a separate paragraph, causing an animal "to fight for pleasure or profit, including but not limited to being a spectator or vendor at an event where a four (4) legged animal is caused to fight for pleasure or profit."

Section 2 of HB 177 replaces "Nothing in this section shall apply to **killing of animals**" with "Nothing in this section shall apply to **actions taken with regard to animals".** Section 2 retains language providing certain exemptions from provisions of the statute

but clarifies (i.e., 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 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:** 1/20/15