# **Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission** 2016 Regular Session

### **Part I: Measure Information**

Bill Request #: 1610				
Bill #: HB 428 GA				
Bill Subject/Title: An ACT relating to cruelty to animals.				
Sponsor: Rep. Wilson Stone				
Unit of Government:    x City x County x Urban-County   x Charter County x Consolidated Local x Government   Office(s) Impacted: law enforcement offices, jailers				
Requirement: x Mandatory Optional				
Effect on Powers & Duties:x _ Modifies Existingx _ Adds New Eliminates Existing				
Part II: Purpose and Mechanics				

HB 428 GA defines "dog", "dog fight" and "dog fighting." It provides that anyone who owns a dog, or who owns the property upon which a dog is knowingly caused to fight, is guilty of cruelty to animals in the first degree, a Class D felony. HB 428 GA makes it a Class D felony to knowingly own, possess, keep, train, sell, or otherwise transfer a dog for the purpose of dog fighting.

HB 428 GA also specifically exempts dogs engaged in activities authorized by a hunting license or by the Department of Fish and Wildlife Resources. Activities of dogs engaged in working or guarding livestock are exempt from the provisions of this bill.

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

## The fiscal impact is indeterminable and minimal.

Adding the above described statutory provision to the definition and penalty for cruelty to animals in the first degree will result in some new investigations and arrests for this new felony crime. Time and effort relating to law enforcement, arrests, prosecutions and

incarcerations is indeterminable but should be minimal. The impact on jails and jailers will be minimal and would be as follows:

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 78 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.92 per day. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.92 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

<b>Data Source(s):</b>	Kentucky Department of Corrections, Kentucky Association of Chiefs of		
	Police; Kentucky Jailers Association; Kentucky Sheri	ffs Associa	<u>tion</u>
Preparer: H. N	Marks Reviewer: JWN	Date:	3/22/16