

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

Part I: Measure Information

Bill Request #: 231

Bill #: SB 14 GA

Bill Subject/Title: An act relating to animal fighting.

Sponsor: Senator Paul Hornback

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local
Government

Office(s) Impacted: Local jails; local law enforcement

Requirement: Mandatory Optional

Effect on

Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Purpose and Mechanics

SB 14 GA amends various sections of KRS Chapters 257 and 525, and creates a new section of Chapter 525 dealing with cruelty to animals and dog fighting.

Section 1 amends KRS 525.125, cruelty to animals in the first degree, exempting owners of animals that participate in activities authorized by the American Kennel Club, hunting, field trials, dog training, and guarding livestock from punishment. Cruelty to animals in the first degree is a Class D felony.

Section 2 creates a new crime: furthering dog fighting. Any person who owns, possesses, breeds, sells, or trains a dog for the primary purpose of fighting another dog for pleasure or profit is guilty of furthering dog fighting. Similar to Section 1, owners of animals that participate in activities authorized by the American Kennel Club, participate in dog training and field trials, hunt, and guard livestock are not guilty of furthering dog fighting. Furthering dog fighting is a Class D felony.

Section 3 amends KRS 257.490, stating that any peace officers employed by the Commissioner of Agriculture shall not enforce the provisions of Sections 1 and 2.

Section 4 amends KRS 525.130, cruelty to animals in the second degree to exclude anyone who violates Section 1 or 2.

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

SB 14 GA should have minimal impact on local governments.

Cruelty to animals in the first degree and furthering dog fighting are Class D felonies. 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. Thus, the fiscal impact of SB 14 GA on local governments should be minimal.

Data Source(s): Kentucky Jailers Association; Kentucky Association of Chiefs of Police; Kentucky Sheriffs' Association

Preparer: Daniel Carter **Reviewer:** JWN **Date:** 3/11/16