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

Part I: Measure Information

Bill Request #: 59 R1
Bill #: SB 158
Bill Subject/Title: AN ACT relating to service animals.
Sponsor: Senator Schroder
Unit of Government: X City X County X Urban-County Unified Local X Charter County X Consolidated Local X Government
Office(s) Impacted: City and County Jails
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing
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Part II: Purpose and Mechanics

SB 158 amends KRS 525.200 to declare a person guilty of assault on a service animal 1st degree when he intentionally kills or causes serious physical injury to a service animal, causes physical injury by use of a deadly weapon, or wantonly causes serious physical injury by use of a deadly weapon. Assault on a service animal is a Class D felony.

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

SB 158 is projected to have minimal impact on local governments.

Violation of KRS 525.200 is a Class D felony. 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 \$31.34 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 \$31.34 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.

Over the last four (4) calendar years, there have been two (2) charges of assault on a service animal, 1st degree. Because local jails will be reimbursed for housing defendants charged with a Class D felony, and the small number of charges over the last four (4) calendar years, SB 158 should have minimal impact on local governments.

Data Source(s): Administrative Office of the Courts; Kentucky Jailers Association;

Kentucky Association of Chiefs of Police; Kentucky Sheriffs' Association

Preparer: Daniel Carter **Reviewer:** JWN **Date:** 2/11/16