

**Local Mandate Fiscal Impact Estimate
Kentucky Legislative Research Commission
2017 Regular Session**

Part I: Measure Information

Bill Request #: 892

Bill #: HB 135

Bill Subject/Title: An ACT relating to animal torture

Sponsor: Rep Wesley Morgan

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

Office(s) Impacted: Jailers and all law enforcement offices

Requirement: x Mandatory Optional

Effect on

Powers & Duties: x Modifies Existing Adds New Eliminates Existing

Part II: Purpose and Mechanics

HB 135 amends KRS 525.135 to redefine "torture" to include deliberate neglect or physical abuse that results in the death of, or serious physical injury to, a dog or cat. It provides for forfeiture of ownership of the dog or cat upon conviction or plea, and prohibits future ownership of a dog or cat for five years for a first offense and for life for a second or subsequent offense. The bill requires that forfeited dogs and cats be offered to animal rescue organizations or given to county animal shelters.

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

The fiscal impact of HB 135 is indeterminate and minimal. There will be some increase in arrests and incarcerations for Class D and Class C felony animal torture as a consequence of defining "torture" to include (in addition to causing "death" and "physical injury"): "abandonment", "deprivation of food and water", "inadequate shelter", and denial of "needed medical attention". Jail costs and income will also be affected as a consequence of raising previously misdemeanor crimes to felony crimes, and the correspondingly severe sentencing requirements for Class D and C felony penalties provided by HB 135. There will likely be significantly longer incarcerations.

Costs associated with misdemeanor and Class D and Class C felony incarcerations are as follows:

Class B and Class A misdemeanors:

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. A person convicted of a Class A misdemeanor may be incarcerated for up to one year. Misdemeanants are housed in one of Kentucky's 76 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. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.34 per day.

Class D and Class C felons:

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 76 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.**

When a court denies bail to a Class C felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 76 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. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 18 months or less to their minimum expiration date or parole eligibility date. **The Department of Corrections pays local jails \$31.34 per day to house these Class C felons. Since the per diem pays for the estimated average cost of housing a Class C felon, the per diem may be less than, equal to, or greater than the actual housing cost.**

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

Preparer: H. Marks **Reviewer:** JWN **Date:** 1/6/17