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

Part I: Measure Information

Bill Request #: 418						
Bill #: HB 93 GA						
Bill Subject/Title: An ACT relating to service animals						
Sponsor: Rep. Diane St. Onge						
Unit of Government:xCityxCountyxUrban-CountyxCharter CountyxConsolidated LocalxGovernment						
Office(s) Impacted: Local jails and law enforcement						
Requirement: <u>x</u> Mandatory Optional						
Effect on Powers & Duties: <u>x</u> Modifies Existing Adds New Eliminates Existing						

Part II: Purpose and Mechanics

HB 93 makes changes to the definition of "service dog". These changes do not affect the fiscal impact of HB 93 on units of local governments.

HB 93 HCS amends KRS 525.200 to remove the requirement that a service animal be unable to return to work from the elements of the offense of first degree assault on a service animal, and adds levels of injury and criminal intent to the elements.

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

The fiscal impact is indeterminable and minimal. During the period 2012 to 2015 calendar years, there were a total of nine (9) cases in which a defendant was charged with assault on a service animal in the first or second degree. Of those nine (9) cases, seven (7) were for assault on a service animal in the second degree. Eliminating the requirement that an injury to a service animal render the animal "physically incapable of ever returning to service" will likely result in more convictions for assault in the first degree, a Class D felony. In essence, this bill makes it a Class D felony to assault a service animal with some sort of weapon, or to otherwise cause serious injury to a service animal

(without legal justification or authority). Thus, HB 93 HCS could make it easier to charge with first degree, rather than settling for a lesser charge.

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.

Data Source(s):	Kentucky Jailers Association; Kentucky Association of Chiefs of Police;
	Kentucky Seriffs Association; Administrative Office of the Courts.

Preparer:	H. Marks	Reviewer:	КНС	Date:	2/22/17
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