

**COMMONWEALTH OF KENTUCKY STATE FISCAL NOTE STATEMENT
LEGISLATIVE RESEARCH COMMISSION
2018 REGULAR SESSION**

MEASURE

2018 BR NUMBER **1208**

HOUSE BILL NUMBER **276**

RESOLUTION NUMBER _____

AMENDMENT NUMBER _____

SUBJECT/TITLE **An ACT relating to animal torture and making an appropriation therefor.**

SPONSOR **Representative Morgan**

NOTE SUMMARY

FISCAL ANALYSIS: IMPACT NO IMPACT INDETERMINABLE IMPACT

LEVEL(S) OF IMPACT: STATE LOCAL FEDERAL

BUDGET UNIT(S) IMPACT: **Various Recipients of Fines, Department of Corrections, and Administrative Office of the Courts**

FUND(S) IMPACT: GENERAL ROAD FEDERAL RESTRICTED AGENCY **Torture Recovery Fund** OTHER

FISCAL SUMMARY

FISCAL ESTIMATES	2017-2018	2018-2019	2019-2020	ANNUAL IMPACT AT FULL IMPLEMENTATION
REVENUES	(Indeterminable)	(Indeterminable)	(Indeterminable)	(Indeterminable)
EXPENDITURES	Indeterminable	Indeterminable	Indeterminable	Indeterminable
NET EFFECT	(Indeterminable)	(Indeterminable)	(Indeterminable)	(Indeterminable)

() indicates a decrease/negative

MEASURE’S PURPOSE: This measure increases penalties and fines associated with Class A misdemeanors and Class D felonies stemming from convictions for torturing a cat or dog, and creates additional fines for Class D offenders. It establishes a torture recovery fund, to be administered by the Administrative Office of the Courts (AOC), and directs these funds to animal shelters in the county in which offenders were convicted or plead guilty.

PROVISIONS/MECHANICS: Section 1 amends KRS 525.135 to broaden the definition of animal torture; establishes fines; prohibits Class D offenders' sentences from being suspended, probated, conditionally discharged, or subject to any other form of early release until they have been incarcerated for at least 90 days and 30 days for Class A offenders; requires offenders to pay restitution; terminate offenders' right to possession, title custody, or care of any dog or cat for one year for misdemeanor convictions and five years for felony convictions; mandates forfeited dogs and cats be offered to a nonprofit animal rescue organization with a no-kill policy,

or, if the nonprofit organization declines to accept a dog or cat, directs these animals to be given to a county animal shelter; and dictates that animals given to a county animal shelter not be euthanized unless they are deemed to be suffering past recovery by a veterinarian.

Section 2 creates a new Section of KRS Chapter 525 to establish the torture recovery fund, to be administered by AOC; directs fines collected in Section 1 to be deposited into the torture recovery fund, to be distributed to the county animal shelter of the county in which the person was convicted; provides that funds in the torture recovery fund shall not lapse but be carried forward into the next fiscal year; directs interest earnings to be made a part of the fund; and prohibits the General Assembly from appropriating or transferring funds for any other purpose.

FISCAL EXPLANATION: This legislation's impact is indeterminable but will impose minor state expenditures and reduce revenues to various organizations by a minor amount. Additionally, HB 276 will not generate a significant sum of revenue for county animal shelters.

Department of Corrections

The Department of Corrections (DOC) is charged with incarcerating felony offenders. Under HB 276, offenders convicted of torturing a dog or cat two or more times will receive sentences that would be prohibited from being suspended, probated, conditionally discharged, or subject to any other form of early release until they have served 90 days of incarceration. This will increase the number of offenders housed in county jails at an average cost of \$31.45 per inmate per day, to be borne by the DOC. Using FY 2017 court case data provided by the AOC, the chart below is a count of felony torture cases that resulted in a prison sentence specific to HB 276 provisions. Case counts are not necessarily offender counts.

Number of Cases	Sentence Length (Days)	Cost to Incarcerate (Daily)	Estimated Cost of Incarceration
11	90	\$31.45	\$31,136

Compared to current law, the additional fines imposed on offenders will increase the duration of time offenders are on parole, if payment of these additional fines are made a condition of their parole. The FY 2017 average cost to supervise offenders on probation and parole was \$3.62 per offender per day. Using the same data provided by AOC, below is a summary of estimated costs associated with supervising 11 offenders.

Number of Cases	Length of Parole (Days)	Cost to Supervise (Daily)	Estimated Cost of Supervision
11	365	\$3.62	\$14,534

The longer offenders are on parole, the greater the potential for each offender to recidivate, which poses additional incarceration costs if an offender's parole is revoked and is ordered to serve the remainder of their sentence under incarceration.

Administrative Office of the Courts

AOC indicated that HB 276 would require additional staff hours. The Division of Research and Statistics would need to monitor cases and the Division of Accounting and Purchasing would maintain records of shelters and rescue organizations in every county. Although the number of staff hours will increase, no additional personnel should be required.

Torture Recovery Fund

KRS 534.040 imposes fines up to \$500 on certain misdemeanor offenses. HB 276 would increase this fine to \$1,000 and divert these funds to the torture recovery fund. Using case data provided by the AOC for FY 2015 through FY 2017, 10 Class A misdemeanant cases resulted in a sentence of paying fines, for an average of about three cases each year. Assuming these three cases were individual offenders, total resources in the torture recovery fund would amount to \$3,000 annually. The torture recovery fund would experience an additional \$11,000 to \$110,000 annually specific to Class D felon fines.

DATA SOURCE(S): Administrative Office of the Courts and LRC Staff

PREPARER: Zach Ireland and Savannah Wiley NOTE NUMBER: 85 REVIEW: JAB DATE: 2/15/2018