# Local Government Mandate Statement Kentucky Legislative Research Commission 2018 Regular Session

### **Part I: Measure Information**

Bill Request #: 1208		
Bill #: HB 276		
<b>Document ID #:</b> <u>3256</u>		
Bill Subject/Title: AN ACT relating to animal torture and making an appropriation therefor.		
Sponsor: Rep. C. Wesley Morgan		
Unit of Government: x City x County   Multiple Multiple Multiple Multiple		
$\underline{\mathbf{x}}$ Charter County $\underline{\mathbf{x}}$ Consolidated Local $\underline{\mathbf{x}}$ Government		
Office(s) Impacted: Local law enforcement and jails		
Requirement: <u>x</u> Mandatory Optional		
Effect on Powers & Duties: <u>x</u> Modifies Existing <u>x</u> Adds New Eliminates Existing		

### Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 276 amends KRS 525.135 to redefine "torture" (of a dog or cat) to include deliberate neglect or physical abuse that results in the death of or serious physical injury to a dog or cat. The Act provides for forfeiture of ownership of the dog or cat upon conviction or plea, and prohibits future ownership of a dog or cat for one year for a first offense and five years for a second or subsequent offense. It requires the forfeiture of dogs and cats to animal rescue organizations or given to county animal shelters.

HB 276 establishes fines and criminal penalties. A first offense is a Class A misdemeanor (with incarceration ranging from 30 days to 12 months) and a fine of \$1,000. Subsequent offenses are Class D felonies, with fines ranging from \$1,000 to \$10,000.

Fines collected are to be placed in a "torture recovery fund" to be distributed to county animal shelters.

**The fiscal impact of HB 276 is indeterminate and minimal**. The torture recovery fund will provide some indeterminate additional funding for county animal shelters. Any misdemeanor Class A first offenses will result in costs to local jails. Any subsequent Class D felony incarceration costs are subsidized by the state. Below are the costs associated with misdemeanor and felony incarcerations.

## **Class A misdemeanors:**

A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 76 full service jails or four life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. 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 felons:**

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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 four 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, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. 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.

### Part III: Differences to Local Government Mandate Statement from Prior Versions

The Part II section above pertains to the bill as introduced and there are not any prior introduced versions of the bill to complete the Part III section.

Data Source(s):	Kentucky Association of Counties; Kentucky Jailers Association;
	Kentucky Department of Corrections

**Reviewer:** KHC

Date:

2/5/18