Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 121		
Bill #: HB 37		
Document ID #: 255		
Bill Subject/Title: AN ACT relating to an animal abuse registry.		
Sponsor: Rep. Kevin Bratcher		
Unit of Government: x City x County x Urban-County Unified Local x Charter County x Consolidated Local x Government		
<u>x</u> Charter County <u>x</u> Consolidated Local <u>x</u> Government Office(s) Impacted: Local jails		
Requirement: x 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 37 creates new sections of KRS Chapter 17 to establish an animal abuse offender registry to be maintained by the Kentucky State Police. The Act establishes an animal abuse offender registry fund. HB 37 also amends KRS 525.130 to increase the penalty for cruelty to animals in the second degree to a Class D felony for a second or subsequent offense, and provides that persons required to register who violate the provisions of the Act, or who provide false or misleading information, are guilty of a Class A misdemeanor.

The fiscal impact of HB 37 is indeterminate and minimal. There may be some increased costs to jails as a consequence of the new misdemeanor crime established by this Act. On the other hand, there could be some increased revenues for jails as a consequence of the increase to a Class D felony for second and subsequent "cruelty to animals" offenses. Below are the costs associated with housing Class A misdemeanant and felony offenders in local jails.

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.

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 drafted and there are not any prior versions of the bill to complete the Part III section.

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