

order, the court may order a judicial sale or other disposition of the animal. A person violating the court order could be held in contempt, arrested, and jailed in a county jail.

An order terminating possession, title, custody, or care of all animals that the person owns could require the county animal control office to confiscate all of the person's animals, whether they are pets or farm animals. This could significantly increase costs borne by the county.

Contempt provisions:

The fiscal impact for this part of the bill is indeterminable to minimal. Under HB 106, a person subject to contempt may be incarcerated for an indefinite period of time in one of Kentucky's 77 full service jails or three life safety jails. Per KRS 432.270, a "person committed to jail for contempt" is not entitled to bail. It is not possible to estimate the number of persons likely to be held in contempt for failing to follow a court order mandated by the bill. 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 a misdemeanor or Class D felony offender. Since the per diem pays for the estimated average cost of housing a felony offender, the per diem may be less than, equal to, or greater than the actual housing cost.

Order for restitution and terminating of right to possess, title, custody, or care:

The fiscal impact for this part of the bill is indeterminable to significant.

HB 106 requires, rather than permits, an order of restitution for the costs incurred in feeding, sheltering, veterinary care, and incidental care of the animal that was the subject of the offense resulting in conviction. To the extent that local governments receive reimbursement of their care for animals, the bill increases revenues if reimbursement is actually received.

HB 106 also requires the court to order termination of the person's possession, title, custody, or care of any animals that the person might have. A local animal control office may be required to confiscate innumerable farm animals or pets, other than those that were the subject of the underlying offense, and thus assume responsibility for them. If the person owned several farms or had ownership of animals in many counties, then several animal control offices might be involved. (Note: there are statutory exemptions from prosecution that include, among other things, the killing of animals incident to hunting or for processing food or other commercial purposes.)

It is not possible to determine the number of animals for which counties/local animal control offices might be responsible, and the ability of counties to handle the influx of animals varies considerably. The Lexington Humane Society (LHS), which works under contract with Lexington/Fayette Animal Care and Control (LFACC), has limited capacity for larger animals. Animals found or confiscated by Animal Control will be held for a 3-5 days and then *may* be placed with LHS. Smaller animals may be kept at the LHS facility; larger (farm) animals will likely be placed with farms for fostering. The Franklin County Humane Society, which works under contract with Franklin County Animal Control, keeps

small animals and would try to place larger animals with the Kentucky State University Agriculture Farm.

According to the Kentucky Equine Adoption Center, the average monthly cost of care of a horse is \$500, which includes feed, farrier services, simple veterinary care, and overhead; the veterinary care of an abused horse would have a higher monthly cost initially. According to statistics in a 2011 editorial by the Humane Society of the United States, the average monthly cost of animal shelter care for cats and dogs in good health would be \$58 to \$73 per animal. According to the Scott County Animal Care and Control, *initial* costs for a medical assessment and vaccinations for each cat and dog range from \$30 to \$40. To the extent that local animal control offices have the ability to adopt animals or find foster homes, the fiscal impact of the bill could be minimal to moderate. To the extent that the offices do not have that ability, the fiscal impact could be significant.

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

Part II, above, pertains to the bill as introduced.

Data Source(s): LRC Staff; LRC Publication, "County Government in Kentucky"; Department of Corrections; Kentucky Equine Adoption Center; Scott County Animal Care and Control; Humane Society of the United States; Franklin County Humane Society; Lexington Humane Society

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