



except that misrepresentation of a dog as an assistance animal to gain accommodation is subject to a maximum fine of \$1,000. The bill removes the term of imprisonment for the violations. The bill requires fines collected, after costs and commissions, to be paid to the Department of Agriculture, to be credited to the animal control and care fund with 50% to be used to fund spay/neuter clinics and 50% to be used for block grants to county animal shelters.

Section 4 amends the definition of “assistance dog” in KRS 525.010 (Penal Code) by requiring the dog to have been trained to work, provide assistance, or perform tasks for the benefit of the person with a disability, or provide support that alleviates at least one of the symptoms or effects of a disability, and by eliminating the reference to a dog that meets the requirements of KRS 258.500. The requirement for specific training related to the symptoms or effects of a disability may establish an additional element to be proven before a person may be convicted of assault on a service animal in the first or second degree.

**The fiscal impact for the bill is indeterminable to minimal.** Counties may receive additional funds under the bill by virtue of additional money for spay/neuter clinics and for block grants for county animal shelters. The amount would depend on the number of fines levied and collected and the applications received from the counties for their animal shelters.

The bill eliminates the term of imprisonment for certain offenses related to violating the rights of persons with assistance animals. Current law allows for imprisonment in the county jail for a period of 10 to 30 days. The elimination of the imprisonment would result in fewer incarcerations. There could be violations for persons misrepresenting a dog as an assistance animal, but this would result only in fines with no incarceration.

With fewer charges that could result in imprisonment, there would be fewer incarcerations in one of Kentucky’s 77 full service jails or three 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 a 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. This could result in a loss of revenue or an increase in revenue since there would be fewer incarcerations.

The bill would allow any local government that makes provisions for public housing to check the documentation related to the assistance dog, and it holds the dog’s handler liable for any damages caused by the dog. This could increase revenues upon collection. Government offices, transportation, and public health services may need to establish policies for determining whether an assistance dog jeopardizes the health and safety of others, but the fiscal impact should be minimal.

The bill could require local law enforcement procedures relating to eviction, citation, and damage fees, but the cost of developing these procedures would be minimal.

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

Part II, above, pertains to the GA version. The GA version is the same as the bill as introduced. No amendments or substitutes were adopted when the bill passed its chamber of origin.

**Data Source(s):** LRC Staff; Department of Corrections

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