Local Government Mandate Statement Kentucky Legislative Research Commission 2021 Regular Session

REVISED 1/29/21

Part I: Measure Information

Bill Request #: 1025
Bill #: HB 215
Document ID #: 2142
Bill Subject/Title: AN ACT relating to animals.
Sponsor: Representative Jason Nemes
Unit of Government: x City x County x Urban-County Unified Local x Charter County x Consolidated Local x Government
Office(s) Impacted: Local law enforcement and jails
Requirement: <u>x</u> Mandatory Optional
Effect on Powers & Duties:x _ Modifies Existingx _ Adds New Eliminates Existing

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

The fiscal impact on local law enforcement and jails is minimal and indeterminate. HB 215 repeals and reenacts KRS 525.135 to define terms and creates new crimes of animal abuse in the first degree (as a Class D Felony), animal abuse in the second degree (as a Class A Misdemeanor), and aggravated animal abuse (as a Class C Felony). The bill creates exceptions and creates a new section of KRS Chapter 525 to authorize law enforcement and animal control officers to seize and hold animals who are victims of cruelty or abuse

HB 215 also creates a civil cause of action for a seizing agency to seek forfeiture and reimbursement for reasonable costs of caring for seized animals from the owner of the animal during the pendency of the criminal case against the owner; and creates rules related to the custody of seized animals. Liability immunity is granted to an organization caring for the animal and civil immunity is granted to a person who enters a car

containing a dog or cat believed in good faith to be in danger of death, subject to certain parameters.

Effectively, the **bill creates new crimes and has the potential to increase both misdemeanor and felony incarcerations in local jails**. The costs associated with misdemeanor and felony incarcerations in local jails is described below.

Class B and Class A misdemeanors:

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed 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 an average cost to incarcerate of \$37.35 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average cost to incarcerate of \$37.35 per day.

Class D and Class C felons:

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 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an average cost to incarcerate of \$37.35, which includes the \$31.34 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 Class D felon. The per diem may be less than, equal to, or greater than the actual housing cost.

When a court denies bail to a Class C felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an average cost to incarcerate of \$37.35, which includes the \$31.34 per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 24 months or less to their minimum expiration date or parole eligibility date. The Department of Corrections pays local jails \$31.34 per day to house these Class C felons. 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

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

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

Kentucky Association of Chiefs of Police; Kentucky Jailers Association

Preparer: H. Marks Reviewer: KHC Date: 1/11/21