

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2022 Regular Session**

Part I: Measure Information

Bill Request #: 140

Bill #: HB 20

Document ID #: 153

Bill Subject/Title: AN ACT relating to torture of a dog or cat.

Sponsor: Representative Chris Freeland

Unit of Government: City County Urban-County
Unified Local
 Charter County Consolidated Local Government

Office(s) Impacted: Local Law Enforcement

Requirement: Mandatory Optional

Effect on
Powers & Duties: Modifies Existing Adds New Eliminates Existing

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

The proposed legislation amends KRS 525.135, relating to torture of a dog or cat, to specify certain acts of torture, and increases the punishment for such acts from Class A misdemeanor to Class D felony.

The definition of torture is amended and expanded.

Under the legislation, all offenses would become felony convictions and stipulates that each act of torture may be charged as a separate offense.

In FY 21, the Administrative Office of the Courts indicated that there were 11 convictions for torture of a dog or cat, all of which were misdemeanors and 3 felony offense convictions.

The expansion of the conduct that constitutes an offense under this legislation, will increase the overall number of offenders who are convicted of Torture of a Dog or Cat, and though

it is not possible to estimate the impact, it would not be expected to greatly increase the number of convictions under this offense. Overall, the impact of the legislation on law enforcement and jails will be minimal. Local jails may experience some increase in Class D felony incarcerations and a corresponding decrease in misdemeanor incarcerations.

A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 74 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 \$35.43 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 \$35.43 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 74 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 \$35.43, 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.

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

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

Data Source(s): Administrative Office of the Courts, Department of Corrections.

Preparer: MJO (wfb) **Reviewer:** KHC **Date:** 1/5/22