# Local Government Mandate Statement Kentucky Legislative Research Commission 2023 Regular Session

#### **Part I: Measure Information**

Bill Request #: 240						
Bill #: HB 115 HCS 1						
<b>Document ID #:</b> 4971						
Bill Subject/Title:         AN ACT relating to service animals.						
Sponsor: Representative Bill Wesley						
Unit of Government:       X       City       X       County       X       Urban-County         Unified Local       Unified Local						
X Charter County X Consolidated Local X Government						
Office(s) Impacted: Law Enforcement, Jails						
Requirement: X Mandatory Optional						
Effect on Powers & Duties: Modifies ExistingX_ Adds New Eliminates Existing						

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

HB 115 HCS 1 expands the definition of service animal to include an "electronic detection dog" defined as a dog trained to locate electronic devices by scent and "police dog" as any dog owned or employed by a law enforcement agency as defined in KRS 61.298 for the purpose of detecting criminal activity, enforcement of laws, and apprehension of offenders.

HB 115 HCS 1 also provides that no person shall be convicted of assault on a service dog when physical force is used under the belief that such force is necessary to protect one's self or a third person against the use of unlawful force by the service animal.

Assault on a service animal in the first degree is a Class D felony.

### The fiscal impact of HB 115 HCS 1 on local governments will be minimal.

Including assault on electronic detection dogs and police dogs might increase the number of people charged and convicted of a Class D felony.

## **Class D 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 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 \$40.11, which includes the \$35.34 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 \$35.34 per day to house a Class D felon. The per diem may be less than, equal to, or greater than the actual housing cost.

The Administrative Offices of the Court did provide that there were a total of 6 charges and court cases under current law in district courts, all referred to their respective circuit courts for 2020, 2021, and 2022. The number will probably increase as a result of adding electronic detection dogs and police dogs to the definition of service animal but remain minimal.

In 2022, there were 25 law enforcement dogs killed in the line of duty nation-wide of which two occurred in Kentucky.

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

Part II refers to HB 115 HCS 1 and makes the following changes to HB 115 as introduced:

- Amends the definition of "police dog" by citing KRS 61.298.
- Removes all language regarding protecting one's self from a service dog.
- Removes language regarding citing this Act as Bo's Law

Data Source(	s): <u>LRC Staf</u>	<u>,</u>				
	<u>Administr</u>	Administrative Offices of the Court,				
	<u>https://ww</u>	https://www.odmp.org/search/k9year/2022, Officers Down Memorial Page				
	(Honoring	(Honoring K9s Killed in 2022), Kentucky Department of Corrections				
Preparer: V	VB (CH)	<b>Reviewer:</b>	KHC	Date:	3/2/23	