

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

Part I: Measure Information

Bill Request #: 1319

Bill #: HB 321

Document ID #: 3259

Bill Subject/Title: AN ACT relating to animals.

Sponsor: Representative Kevin D. Bratcher

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

Office(s) Impacted: law enforcement; jails; animal shelters

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

HB 321 creates several new sections of KRS Chapter 525 to define terms; establish crimes for animal abuse in the first degree as a Class D felony and animal abuse in the second degree a Class A misdemeanor; to allow courts to order that a person convicted under this legislation not be released on probation, shock probation, conditional discharge, or parole until they have served at least half of their sentence; make each act of torture, abuse, or extreme neglect of a dog or cat a separate offense; to specify the circumstances under which it is lawful to kill or injure a dog or cat; authorize law enforcement to seize and hold animals who are victims of abuse; allow a seizing agency to seek forfeiture and reimbursement for reasonable costs; grant civil immunity to a person who enters a car containing a dog or cat believed to be in danger of death.

HB 321 also amends KRS 525.125 and 525.130 to provide for the seizure of animals from a person charged with cruelty to animals in the first or second degrees, and KRS 525 to allow seizure of an animal that has been the object of sexual crimes against an animal.

The fiscal impact of HB 321 on local government is indeterminable but expected to be minimal.

The provisions of HB 321 could cause an increase in the number of seized animals that shelters are asked to house. According to the Humane Society of the United States, there is no uniform daily rate for animal care among county animal control offices. Daily care rates range from \$10 per day to \$25 per day for dogs and cats. Under HB 321, a court could order the convicted person to reimburse such costs to the shelter. In cases where reimbursements are not made, city/county attorneys would become involved in obtaining restitution providing legal costs in addition to a lag between the expenditures for the animal care and the revenue for reimbursements.

HB 321 makes animal abuse in the first degree a Class D felony. 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 of \$40.11 per day to incarcerate, 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.

Under the provisions of HB 321, animal abuse in the second degree is a Class A misdemeanor. 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 \$40.11 per day. While the majority of misdemeanor defendants are granted bail, those who are not will also cost local jails an average cost to incarcerate of \$40.11 per day.

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

Part II above is based on HB 321 as introduced. There are no previous versions of the legislation for comparison.

Data Source(s): Dept. of Corrections; US Human Society; LRC staff

Preparer: CTH (WB) **Reviewer:** KHC **Date:** 3/8/23