## Local Government Mandate Statement Kentucky Legislative Research Commission 2024 Regular Session

**Part I: Measure Information** 

Bill Request #: 1616
Bill #: HB 258 GA
<b>Document ID #:</b>
Bill Title: AN ACT relating to the torture of a dog or cat.
Sponsor: Representative Susan Witten
Unit of Government: X City X County X Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Law Enforcement, Jails
Requirement: X Mandatory Optional
Effect on  Powers & Duties: X Modifies Existing Adds New Eliminates Existing

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

HB 258 GA amends KRS 525.135, which prohibits the torture of a dog or a cat. The bill defines "serious physical injury or infirmity" as used in the bill and revises the definition of torture to include situations motivated by wanton disregard that causes the pain and suffering of a dog or cat. It also clarifies situations which may be considered torture, including being locked in a cage, sealed in a plastic bag or box, chained or tied down, pitched in a dumpster, abandoned in a building for three or more days, physically or manually restrained, or intentionally injured. Furthermore, the bill escalates the penalty for a first offense from a Class A misdemeanor to a Class D felony and stipulates that each act of torture is considered a separate offense. In cases where a cat or dog is seized due to torture, the bill allows for humane euthanasia, based on a veterinarian's recommendation, if the animal continues to suffer from injuries leading to imminent death.

The fiscal impact of HB 258 GA is expected to be minimal. According to the Administrative Office of the Courts, there were a total of 38 convicted cases involving

the torture of a dog or cat. While this bill somewhat broadens what may be considered torture, it is not expected that the new language would result in a dramatic increase in convictions and incarcerations. However, each person convicted of a Class D felony as opposed to a Class A misdemeanor would represent savings for local jails if those offenders are instead housed in state correctional facilities. The estimated daily cost of incarcerating offenders convicted under this statute are detailed below.

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 \$44.97, 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.

Data Source(s): LRC Staff; Administrative Office of the Courts; Department of

Corrections

**Preparer:** Ryan Brown (BL) **Reviewer:** KHC **Date:** 3/5/24