Local Government Mandate Statement Kentucky Legislative Research Commission 2024 Regular Session

Part I: Measure Information

Bill Request #: 1901
Bill #: SB 243
Document ID #: 5988
Bill Title: AN ACT relating to animal fighting.
Sponsor: Senator Greg Elkins
Unit of Government: X City X County X Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: 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

Section 1 of the bill amends KRS 525.125 to expand the prohibition on dog fighting to all animals. Under the proposed changes, a person is guilty of animal cruelty when he or she knowingly

- causes an animal to engage in animal fighting (Class D felony);
- keeps, trains, sells or otherwise transfers an animal for the purpose of animal fighting (Class D felony);
- participates in the organization, operation, or promotion of an animal fight (Class D felony);
- is a spectator or vendor at any place where an animal fight is occurring (Class A misdemeanor); or
- causes or allows a minor to attend an animal fight (Class A misdemeanor).

If a person is guilty of a Class D felony as described in this bill, in addition to any fines or imprisonment, they must forfeit any animals that were subject of the violation; cannot

possess, have custody of, or control any animal; and transfer the animals that were the subject of the violation to the owners of the animals or to the county animal officer.

Exceptions are made for hunting dogs, dogs guarding livestock, and falconry.

The bill would have an indeterminable, but negative fiscal impact on local governments and jails. The proposed legislation creates new offenses and expands the elements of existing offenses. The offenses associated with violating the provisions of the bill are Class A misdemeanors and Class D felonies. While the proposed bill would also require local animal control officers to take control of animals that are engaged in fighting or on the property where an animal fight is being conducted, those animals are already subject to confiscation under KRS 436.610.

Class A misdemeanors:

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 \$44.97 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 \$44.97 per day.

Class D felons:

Data Source(s):

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.

LRC Staff, Department of Corrections. **Preparer:** Bart Liguori (RB) **Reviewer:** KHC Date: 2/22/24