

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:

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, Department of Corrections.

Preparer: Bart Liguori (RB) **Reviewer:** KHC **Date:** 2/22/24