

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2025 Regular Session**

Part I: Measure Information

Bill Request #:	304	Bill #:	SB 39
Document ID #:	490	Sponsor:	Senator Greg Elkins
Bill Title:	AN ACT relating to animal fighting		

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

Office(s) Impacted: Animal Control

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

Other Fiscal Statement(s) that may exist: Actuarial Analysis Corrections Impact
 Health Benefit Mandate State Employee Health Plan

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

SB 39 Section 1 would amend KRS 525.125 to extend the prohibition of cruelty to dogs to prohibit cruelty to all animals. The Act would create a new Class D felony – participating in the organization, operation, or promotion of animal fighting, including allowing such activity on property under the person’s control. The Act would also create two new Class A misdemeanors:

1. Knowing attendance at an animal fight as a spectator or vendor, and
2. Causing or allowing a person under 18 years to attend an animal fight.

SB 39 would also result in elevation of cockfighting to a Class D felony.

Where a person is convicted of or pleads guilty to felony cruelty to animals, SB 39 would require the court to order forfeiture of the subject animals, termination, or conditioning of the person’s right to any animal, and transfer of the subject animal/s to the owner if not the person in violation, or to the county animal control officer.

The court would also be empowered to order restitution be paid for the cost and care of animals transferred or forfeited.

SB 39 would have a moderately positive fiscal impact on county animal control services and a minimal negative fiscal impact on local jails. County governments are statutorily required to provide for animal control services in their jurisdiction. According to the Kentucky Animal Care and Control Association (KACCA) the vast majority of cities contract with the county for animal control and/or sheltering.

The Kentucky Sheriff's Association (KSA) reports that animal fighting enforcement activities often involve multiple jurisdictions and multiple law enforcement agencies because the animal fights are typically well organized, with large crowds and involve other criminal activities. If there were an increase in animal cruelty cases, KSA believes additional personnel and resources would be needed due to the need for extensive investigations across multiple jurisdictions. Louisville Metro Animal Services (LMAS) reports that they confiscated approximately thirty chickens in an enforcement action against a cockfighting operation in 2024 and incurred expenses to house and feed them for several months before they could successfully forfeit and dispose of them to local farms. LMAS also reportedly housed, fed, and medically treated four dogs confiscated from a dog fight for approximately 6 months in 2024 at a cost of \$10 a day, for a total of \$7200.

KACCA reports that expanding animal cruelty to include cruelty to all animals could result in some added expense or burden to animal shelters that typically shelter only dogs, who might have to make arrangements to hold other animals. However, most animals being housed would remain dogs and chickens. The provision in the bill allowing courts to order a defendant to make restitution to animal control agencies for costs of an animal's care would greatly benefit county animal control agencies.

From 2019 through 2024 there were approximately 3,073 charges of animal cruelty against approximately 1,026 people in Kentucky. The expansion of "animal cruelty" to include all animals, the new Class D felony and two new Class A misdemeanors could result in some additional persons incarcerated in local jails. 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 of \$47.43 per day. While most misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$47.43 per day.

Under current law at KRS 525.130 animal fighting other than dog fighting is prosecuted as cruelty to animals in the second degree, a Class A misdemeanor. SB 39 would result in cockfighting prosecuted as 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 \$47.43. The Department of Corrections pays a jail holding felony inmates a per diem and medical expenses of \$35.34 per day 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): Kentucky Animal Care and Control Association; Louisville Metro Animal Services; Administrative Office of the Courts; Department of Corrections

Preparer: MS **Reviewer:** TJ (MDA) **Date:** 2/3/25