

**Local Mandate Fiscal Impact Estimate
Kentucky Legislative Research Commission
2016 Regular Session**

Part I: Measure Information

Bill Request #: 15

Bill #: HB 11

Bill Subject/Title: AN ACT relating to service animals.

Sponsor: Representative Diane St. Onge

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

Office(s) Impacted: County jails

Requirement: Mandatory Optional

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

Part II: Purpose and Mechanics

HB 11 modifies and repeals existing statutes dealing with assault on a service animal. HB 11 repeals KRS 525.205, assault on a service animal in the second degree, and modifies KRS 525.200 by eliminating any reference to assault on a service animal in the first degree.

Under HB 11, any defendant convicted of assault on a service animal may be ordered to pay restitution to the person or agency owning the animal for any veterinary bills, replacement costs of the animal, if disabled or killed, and the salary of the animal handler for the period of time his services are lost to the agency or self-employment.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

HB 11 is projected to have little or no impact, but may result in some costs savings to local governments.

HB 11 repeals KRS 525.205, assault on a service animal in the second degree, which is a Class B misdemeanor. A person convicted of a Class B misdemeanor may be

incarcerated for up to 90 days. Misdemeanants are housed in one of Kentucky's 78 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.34 per day. By repealing KRS 525.205, HB 11 eliminates the Class B misdemeanor penalty, and thus, saves local jails the cost of having to house the inmates charged or convicted of the offense.

However, HB 11 retains the current penalty provisions of KRS 525.200, assault on a service animal in the first degree, which is 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 78 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day. 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 \$31.34 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost. Thus, local jails still may have to house a person convicted of assault on a service animal, but they will be reimbursed by the Department of Corrections for their costs, which could result in minimal costs or minimal savings.

Over the last four (4) calendar years, there have been a total of nine (9) cases in which a defendant was charged with assault on a service animal in the first or second degree. Of those nine (9) cases, seven (7) were for assault on a service animal in the second degree, so the costs or savings, if any, should be minimal.

Data Source(s): Administrative Office of the Courts; Kentucky Jailers Association; Kentucky Association of Chiefs of Police

Preparer: Daniel Carter **Reviewer:** JWN **Date:** 1/6/16