



Under the legislation, all offenses would become felony convictions and stipulates that each act of torture may be charged as a separate offense.

HB 20 HCS 1 clarifies that for humane purposes, an animal that has been seized, may be euthanized upon the recommendation of a veterinarian. It also permits breed specific alterations including cropping of ears, docking of tails, or declawing a cat if performed by a veterinarian, is permitted as long as there is no intent to cause, increase, or prolong the pain and suffering of a dog or cat.

In FY 21, the Administrative Office of the Courts indicated that there were 11 convictions for torture of a dog or cat, all of which were misdemeanors and 3 felony offense convictions.

The expansion of the conduct that constitutes an offense under this legislation, will increase the overall number of offenders who are convicted of Torture of a Dog or Cat, and though it is not possible to estimate the impact, it would not be expected to greatly increase the number of convictions under this offense. Overall, the impact of the legislation on law enforcement and jails will be minimal. Local jails may experience some increase in Class D felony incarcerations and a corresponding decrease in misdemeanor incarcerations.

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 \$35.43, which includes the \$31.34 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 \$31.34 per day to house a Class D felon. The per diem may be less than, equal to, or greater than the actual housing cost.

### **Part III: Differences to Local Government Mandate Statement from Prior Versions**

Part II, above, pertains to the bill as amended by HCS 1. The fiscal impact of HCS 1 remains unchanged from the original impact statement to HB 20.

HCS 1 refines the definition of torture. It expands the meaning of restraining a dog or cat to include restraining without regard to its pain, suffering, injury, or death. It also permits breed-specific alterations so long as there is no intent to cause, increase, or prolong the pain and suffering of a dog or cat.

**Data Source(s):** Administrative Office of the Courts, Department of Corrections.

**Preparer:** MJO (wfb) **Reviewer:** KHC **Date:** 3/3/22