



## Impact Analysis on Proposed Legislation

*Virginia Criminal Sentencing Commission*

### **Senate Bill No. 235** **As Engrossed with Amendments** *(Patron – Hanger)*

**Date Submitted:** 01/15/02

**LD #:** 02-4324432

**Topic:** Seizure and impoundment of animals and the soring of horses

#### **Proposed Change:**

Amends §§3.1-796.66, 3.1-796.115, and 3.1-796.122 to add the soring of horses and broaden the scope of §3.1-796.115. Soring is defined under §3.1-796.66 to include a number of practices that result in the equine suffering or reasonable expectation that the equine will suffer physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving; an exception is made for veterinarian treatment. Soring would also be added to the list acts deemed to be cruel to animals (§3.1-796.122). The proposed change to §3.1-796.115 would eliminate paragraph L, which currently limits the provisions relating to adequate care to companion animals. The current statute relating to the soring of horses, §3.1-796.123, would be repealed.

#### **Current Practice:**

Currently, soring of horses is defined as a Class 3 misdemeanor under §3.1-796.123. Soring of horses is not specifically included as cruelty to animals under §3.1-796.122. Under §3.1-796.122(A), to commit, instigate, cause, or further acts of cruelty to any animal is a Class 1 misdemeanor. The 1999 General Assembly increased the penalty for a second conviction under §3.1-796.122(A) within five years to a Class 6 felony if the current or any previous violation resulted in the death of the animal or the euthanasia of the animal based on the recommendation of a licensed veterinarian.

Paragraph L of §3.1-796.115 limits the provisions relating to adequate care to companion animals only.

According to FY2001 Local Inmate Data System (LIDS) data, no offenders held pre- or post-trial in jail were convicted of soring horses under §3.1-796.123. Misdemeanor convictions are not covered by the sentencing guidelines as the primary (or most serious) offense but may augment the sentence recommendation as additional offenses.

#### **Impact of Proposed Legislation:**

The impact of the proposed legislation on state-responsible (prison) bed space cannot be quantified, but is expected to be small. By eliminating the existing statute related to soring and adding soring to those acts defined as cruelty to animals, the penalty of soring would be increased from a Class 3 misdemeanor to a Class 1 misdemeanor. However, data revealed no

convictions for soring under §3.1-796.123. Data available to the Commission on misdemeanor offenses is limited to offenders who were held pre- or post-trial in jail; therefore, it is possible that there were cases of soring that are not reflected in the data. Furthermore, data are insufficient to determine the number of convictions that could result from the repeal of paragraph L of §3.1-796.115, which limits the provisions for whether or not an animal has adequate care to companion animals only.

No adjustment to the guidelines would be necessary under the proposal.

**Pursuant to §30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**