



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 646

(Patron – Bell)

Date Submitted: 12/29/03

LD #: 04-6475232

Topic: Maiming, killing or poisoning animals

Proposed Change:

The proposal amends § 18.2-144 of the *Code of Virginia* to make it a Class 5 felony to maliciously injure or poison any companion animal with intent to maim, disfigure, disable or kill the animal. Currently, this offense is punishable as a Class 1 misdemeanor; however, a second or subsequent offense is a Class 6 felony if the current or any previous violation resulted in the animal's death or the euthanasia of the animal based on the recommendation of a licensed veterinarian.

Data Analysis:

Based on fiscal year (FY) 2001 and 2002 Local Inmate Data System (LIDS) data, 8 offenders held pre- or post-trial in jail were convicted under the misdemeanor provisions of § 18.2-144 relating to fowl and companion animals. Of those, 75% received a local responsible (jail) sentence, with a median incarceration time of 2.5 months. Due to additional felony charges, 12.5% of the offenders received a state responsible (prison) sentence. Data is insufficient to determine which of these crimes, if any, involve companion animals.

There were 4 convictions (as either the primary (most serious) offense or an additional offense) for violations of the felony portion § 18.2-144 relating to livestock, according to FY2000 and FY2001 Pre/Post-Sentence Investigation (PSI) data. Of these, half received state-responsible (prison) terms with a median effective sentence of 3 years. The other half received no active term of incarceration.

Impact of Proposed Legislation:

The impact of the proposed legislation on state-responsible (prison) bed space cannot be quantified, but it is expected to be small. For FY2001 and FY2002, LIDS data indicate that there are few convictions for the misdemeanor crime under the current statute. However, the data for the existing crime defined in § 18.2-144 includes both companion animals and fowl and the data are not sufficiently detailed to determine how many convictions historically have involved a companion animal.

Convictions under § 18.2-144 are not covered by the sentencing guidelines as the primary (or most serious offense) but may augment the sentence recommendation as additional offenses. No adjustment to the sentencing guidelines would be necessary under the proposal.

The Commission provides analyses of the impact on prison and jail bed space and community corrections placement needs in accordance with § 30-19.1:4. Impact analyses do not comment on the merits of the bill under review.

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.

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