



## Fiscal Impact Statement for Proposed Legislation

### *Virginia Criminal Sentencing Commission*

#### House Bill No. 1039

#### *Amendment in the Nature of a Substitute*

#### *(Patron Prior to Substitute – Melvin)*

**LD#:** 06-9047416

**Date:** 2/27/2006

**Topic:** Vicious animal attacks

#### **Fiscal Impact Summary:**

- **State Adult Correctional Facilities:**  
Cannot be determined, likely to be small
- **Local Adult Correctional Facilities:**  
Cannot be determined, likely to be small
- **Adult Community Corrections Programs:**  
Cannot be determined, likely to be small

- **Juvenile Correctional Centers:**  
None (\$0)
- **Juvenile Detention Facilities:**  
None (\$0)

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#### **Summary of Proposed Legislation:**

This proposal amends § 3.1-796.93:1 and adds § 3.1-796.93:3 related to the identification and control of dangerous or vicious animals and punishment for certain conduct.

Currently, under § 3.1-796.93:1, localities may create ordinances that require the owner of a dangerous or vicious dog to comply with certain specified safety measures. The animal control officer, under the current statute, has sole authority to seek summonses for violations of the local ordinance. The punishment, if the owner of a dangerous dog willfully fails to comply with the requirements of the ordinance, is a Class 1 misdemeanor. The changes to § 3.1-796.93:1 include revised definitions of “dangerous dog” and “vicious dog,” expansion of the powers of law enforcement to identify a dangerous or vicious dog, and expanded and more explicit requirements for owners of dogs that have been identified as dangerous.

In addition, six new crimes are defined by the proposed § 3.1-796.93:1. The owner or custodian of a canine or canine crossbreed (dog) is guilty of a: (1) Class 3 misdemeanor if the dog injures or kills the companion animal of another; (2) Class 2 misdemeanor if the dog has previously been adjudicated as dangerous and causes the death of another’s companion animal or bodily injury to the extent to which another’s companion animal requires euthanasia; (3) Class 2 misdemeanor if the dog bites or attacks a person, causing bodily injury; (4) Class 1 misdemeanor if the dog, having previously been adjudicated as dangerous, bites or attacks a person, causing bodily injury; (5) Class 6 felony if the dog bites or attacks a person, causing serious bodily injury requiring hospitalization or death, and; (6) Class 5 felony if the dog, having previously been adjudicated as dangerous, bites or attacks a person, causing serious bodily injury requiring hospitalization or death.

Under § 3.1-796.93:3, the proposal requires that licensed medical professionals, who treat a person for a wound inflicted by a dog, or, if applicable, the person in charge of a hospital where the wound is treated, report the incident to law enforcement, local animal control, or the agency charged with receiving such reports as soon as practicable. Violation is punishable as a Class 4 misdemeanor.

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**Analysis:**

According to the fiscal years (FY) 2003 and 2004 Local Inmate Data System (LIDS) database, there was one person held pre- or post-trial for a violation under § 3.1-796.93:1. That person was sentenced to a local-responsible (jail) sentence of 10 days.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** By creating two new felonies, the state-responsible (prison) bed space needs are expected to increase, but the magnitude of that impact cannot be quantified. Nonetheless, the impact is expected to be small.

**Local adult correctional facilities.** By creating five new crimes (2 felonies, 3 misdemeanors) that may entail incarceration, the local-responsible (jail) bed space needs are expected to increase, but it is expected to be small.

**Adult community corrections programs.** The proposal may have an impact on adult community corrections programs; however, it is expected to be small.

**Virginia's sentencing guidelines.** As new crimes, convictions under §§ 3.1-796.93:1 and 3.1-796.93:3 would not be covered by Virginia's sentencing guidelines as the primary (most serious) offense; however, these convictions may augment the sentencing guidelines recommendation if the primary offense is one that is covered by the guidelines.

**Juvenile correctional centers.** According to the Department of Juvenile Justice (DJJ), the proposal is not expected to increase juvenile correctional center (JCC) bed space needs. Under the length of stay (LOS) guidelines, the minimum range for a Class 6 felony is six to 12 months.

**Juvenile detention facilities.** The Department of Juvenile Justice reports that the proposal is not expected to increase the bed space needs of juvenile detention facilities.

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**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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