



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1190

Amendment in the Nature of a Substitute (Patron Prior to Substitute – Reynolds)

LD#: 07-2582808

Date: 1/29/2007

Topic: Cock fighting

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
Cannot be determined
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

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

Summary of Proposed Legislation:

The proposal amends § 3.1-796.125 to increase the penalty for engaging in a cock fight (or a fight of any other animal except dogs) from a Class 3 misdemeanor (fine only) to a Class 6 felony (punishable by imprisonment of 1 to 5 years). The proposed legislation specifies that any person who possesses, owns, trains, or sells any animal for the purpose of fighting is guilty of a Class 1 misdemeanor (punishable by up to 12 months in jail). Under current law, it is a Class 3 misdemeanor to wager on the results of such a fight; however, the proposal removes this language from the statute. In addition, the proposal increases the penalty for attendance at the fighting of cocks or other animals, except dogs, from a Class 3 misdemeanor to a Class 1 misdemeanor.

Analysis:

Because the crimes defined in § 3.1-796.125 are punishable currently by fines only, no data are available on the number of violations of this provision.

Impact of Proposed Legislation:

State adult correctional facilities. Since it defines a new felony, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, the number of cases involving cockfighting or the fighting of other animals (except dogs) cannot be identified with existing data. Therefore, the potential impact of the proposal on prison space needs cannot be quantified.

Local adult correctional facilities. The proposal may increase local-responsible (jail) bed space needs; however, the magnitude of the impact cannot be quantified with existing data.

Adult community corrections resources. Because the proposal could result in felony convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for adult community corrections resources. Since the number of cases that may be affected by the proposal cannot be determined, the potential impact on community corrections cannot be quantified.

Virginia's sentencing guidelines. Convictions under § 3.1-796.125 are not covered by the sentencing guidelines as the primary (most serious) offense at conviction, but may augment the guidelines recommendation if a covered offense is the most serious at conviction. No adjustment to the guidelines would be necessary under the proposal.

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. Nonetheless, if a juvenile were committed for the specified felony, the minimum confinement assigned under the Department's Length of Stay (LOS) guidelines would be 6 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.

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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