



## Impact Analysis on Proposed Legislation

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### Virginia Criminal Sentencing Commission

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#### House Bill No. 1057 (Patron – Scott)

LD#: 08-1142284

Date: 12/19/2007

Topic: Fighting of cocks and other animals

#### 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:**  
Cannot be determined
- **Juvenile Detention Facilities:**  
Cannot be determined

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#### Summary of Proposed Legislation:

The proposal adds § 3.1-796.124:1, and repeals § 3.1-796.125, increasing the penalty for engaging in a cockfight (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 states that any person who knowingly engages in certain actions in connection with an animal fighting venture in which two or more cocks or other animals (except dogs) fight or are baited to fight is guilty of a Class 6 felony. The proposal also amends §§ 3.1-796.122 and 18.2-403.2 to include crimes specified under § 3.1-796.124:1 and to remove references to crimes under § 3.1-796.125. By repealing § 3.1-796.125, the proposal also repeals subsection (C) which includes the Class 1 misdemeanor for attending a dog fighting exhibition.

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#### Analysis:

The crimes defined in § 3.1-796.125 are punishable currently by fine only. No convictions for these offenses could be identified in general district court data for calendar year (CY) 2005 and CY2006.

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#### Impact of Proposed Legislation:

**State adult correctional facilities.** Since it increases the penalty for an existing offense from a misdemeanor to a 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.** Because the proposal increases the penalty for certain acts from a misdemeanor punishable by fine only to a felony, the proposal could result in additional commitments to DJJ. Existing *Code* specifies that a juvenile is eligible for commitment if he is adjudicated for a felony, has a prior felony adjudication, or has accumulated a total of four Class 1 misdemeanor adjudications. According to the Department of Juvenile Justice (DJJ), the proposal may have an impact on bed space needs in juvenile correctional centers; however, the impact cannot be quantified.

**Juvenile detention facilities.** The Department of Juvenile Justice reports that the impact on the bed space needs of juvenile detention facilities cannot be determined.

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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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

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