



## Impact Analysis on Proposed Legislation

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### *Virginia Criminal Sentencing Commission*

#### **House Bill No. 1465** **(Patron – Armstrong)**

**LD#:** 08-4805416

**Date:** 1/16/2008

**Topic:** Dog 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:**  
Cannot be determined
- **Juvenile Detention Facilities:**  
Cannot be determined

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

The proposal amends § 3.1-796.113, 3.1-796.124, 3.1-796.125, and 18.2-403.2, relating to cruelty to animals and dog fighting. The proposal modifies § 3.1-796.124(A)(1) to make it a Class 6 felony to attend dog fights for amusement, sport or gain and removes language in § 3.1-796.125 that makes such attendance a Class 1 misdemeanor.

The proposal also expands the existing provisions of § 3.1-796.124 to: 1) make it a Class 6 felony for a person to possess any device or substance intended to train an animal for fighting or to enhance an animal's ability to fight, and 2) establish a Class 6 felony for allowing a minor to attend or participate in animal fighting.

The proposal also requires individuals convicted under § 3.1-796.124 to pay actual, reasonable costs incurred in caring for confiscated dogs. Currently, § 3.1-796.124 only provides for the payment of reasonable costs incurred in housing or euthanizing confiscated dogs.

Under the proposal, animal control officers would be included in warrants authorizing law enforcement officers to search locations where they suspect cruelty to animals has occurred. In addition, language barring searches after sunset without special authorization would be removed from § 3.1-796.113. Provisions involving the forfeiture of animals confiscated in animal fighting cases under § 3.1-796.124(B) are also outlined in the proposal.

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#### **Analysis:**

According to fiscal year (FY) 2006 and FY2007 Pre-Sentence Investigation (PSI) data, there were three felony convictions under § 3.1-796.124 involving dog fighting. One offender, convicted of possessing, training or selling a dog for fighting, received a state-responsible (prison) sentence of 4 years. The remaining two defendants were convicted of promoting or engaging in organized dog fighting and received prison terms of 1.6 and 2 years, respectively. Local Inmate Data System (LIDS) data for

calendar year (CY) 2005 and CY2006 show no convictions under § 3.1-796.125(C) for attending a dog fighting exhibition.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** By raising an offense from a misdemeanor to a felony and expanding existing felony provisions to cover additional acts, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. The number of additional felony convictions that may result from the proposal cannot be estimated with existing data; therefore, the potential impact of the proposal 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 § 3.1-796.124 are not covered by the sentencing guidelines as the primary (or most serious) offense. A conviction under this section, however, could augment the guidelines recommendation if the most serious offense at sentencing is covered by the guidelines. No adjustment to the guidelines would be necessary under the proposal.

**Juvenile correctional centers.** Because the proposal creates additional felony offenses and raises a misdemeanor to a felony, the proposal could result in additional commitments to the Department of Juvenile Justice (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 DJJ, the impact of the proposal on juvenile correctional center bed space needs cannot be determined.

**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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