

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: HB656

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Griffith

3. Committee: Agriculture, Chesapeake, and Natural Resources

4. Title: Animal protection and fighting; penalty

5. Summary: The bill broadens the Class 6 felony applicable to the crime of dogfighting to the fighting of any animals, including cocks, and the possession of any materials intended to enhance the ability of animals to fight. Attending an exhibition of animal fighting or permitting a minor to become involved in animal fighting is a Class 1 misdemeanor. Animals that are the subject of such criminal charges may be forfeited to the locality, but the owner may post bond to retain his ownership interest and repossess the animals if the court issues a finding of not guilty. Law-enforcement officers would be permitted to conduct searches at any time upon the issuance of warrants. Currently, such officers may only conduct searches during the day.

6. Fiscal Impact Estimates: Preliminary. See item 8.

6a. Expenditure Impact: Department of Agriculture and Consumer Services

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2008	\$135,562	1.0	general
2009	\$131,542	1.0	general
2010	\$131,542	1.0	general
2011	\$131,542	1.0	general
2012	\$131,542	1.0	general
2013	\$131,542	1.0	general
2014	\$131,542	1.0	general

7. Budget Amendment Necessary: Yes, item 93 of House Bill 30.

8. Fiscal Implications: According to the Department of Agriculture and Consumer Services, the bill will result in an increase in the need for technical support to local animal control officers, law enforcement officers, private practice veterinarians, and Commonwealth attorneys to recognize, investigate, collect evidence, prosecute, and give expert testimony on animal fighting investigations. In addition, the legislation may result in a greater number of animal cruelty and animal welfare investigations in general, as public awareness increased.

Cockfighting activities also immediately trigger animal disease investigations to rule out potentially devastating avian diseases. These investigations require on-site animal health personnel to test birds as well as the cost of any laboratory tests.

The Department of Agriculture and Consumer Services estimates that the legislation will require at least one additional full-time staff veterinarian position, with a compensation cost of \$90,350 annually. In addition, the operating cost of \$16,412 for the position include digital camera, cell phone, travel, and supplies. The operating costs in the out-years are estimated at \$12,392.

Testing expenses for cockfights are estimated at \$28,800 annually, based on six cockfight investigations and 120 tests per fight.

There will be costs to local governments and other state or federal agencies that participate in law enforcement raids, animal fighting investigations, and prosecution of these cases. There will be costs to local governments that care for, house, feed, euthanize or dispose of any confiscated animals, unless the owners can pay the actual costs.

According to the Virginia Sentencing Commission, 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, for the broadened Class 6 felony provisions of the legislation.

The bill makes it a Class 1 misdemeanor for attending an exhibition of fighting animals, permitting a minor to attend, promoting, wagering on, charging admission at, or owning animals for such an exhibition. The penalties of a Class 1 misdemeanor include confinement in jail for not more than 12 months and a fine of not more than \$2,500. Therefore, this proposal could result in an increase in the number of persons in jail. There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays localities \$8 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds much of the jails' operating costs, e.g. correctional officers. The state's share of these costs, on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent jail cost report (November 2007), the estimated total state support for local jails averaged \$28.42 per inmate per day in FY 2006.

9. Specific Agency or Political Subdivisions Affected: Department of Agriculture and Consumer Services, judicial system, local governments.

10. Technical Amendment Necessary: No.

11. Other Comments: The substitute bill exempts authorized wildlife management activities, authorized hunting, fishing, and trapping, and authorized farming activities.

cc: Secretary of Agriculture and Consumer Services