

Department of Planning and Budget

2008 Fiscal Impact Statement

1. Bill Number SB 592

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

2. Patron Norment

3. Committee Courts of Justice

4. Title **Animal fighting**

5. Summary/Purpose:

Current law makes it a Class 6 felony engage in or wager money on dog fighting. Engaging in the fighting of cocks or other animals is a Class 3 misdemeanor. The proposed legislation would make the engaging in the fighting of any animals a Class 6 felony.

Under current law, it is a Class 3 to attend a fighting of cocks or other animals, except dogs. It is a Class 1 misdemeanor to attend a dog fight. The proposed legislation would make it a Class 1 misdemeanor to attend an exhibition of the fighting of any animal and to permit a minor to attend such an exhibition or to allow a minor to be involved in any aspect of engaging in animal fighting.

Finally, the bill would set out procedures to be used by local animal control officers upon confiscating animals that have been used, or were intended to be used, in animal fighting.

6. Fiscal Impact: Estimates are indeterminate, see item 8.

7. Budget amendment necessary: Yes, Item 93 of Senate 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.

Persons committing a Class 3 misdemeanor are subject to a fine only. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 5 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

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 the localities \$8.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail, \$8.00 a day for each state responsible inmate held for sixty days or less, and \$14.00 a day for each state responsible inmate held for more than sixty days. It also funds most 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.

Due to the lack of data, the Virginia Criminal Sentencing Commission has determined, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined.

9. Specific agency or political subdivisions affected: Department of Agriculture and Consumer Services, judicial system, localities.

10. Technical amendment necessary: None.

11. Other comments: None.

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