Department of Planning and Budget
2010 Fiscal Impact Statement

1. **Bill Number:** HB281-ER

    House of Origin ___ Introduced ___ Substitute ___ Engrossed

    Second House ___ In Committee ___ Substitute _X_ Enrolled

2. **Patron:** Albo

3. **Committee: Passed Both Houses**

4. **Title:** **Animal cruelty; penalty.**

5. **Summary:** Increases penalties applicable to violations of animal cruelty laws. The penalty for a violation of the minimal standards of animal care is increased from a Class 4 to a Class 2 misdemeanor (food, water, shelter and veterinary care to prevent suffering) or from a Class 4 to a Class 3 misdemeanor (adequate space, care, treatment, exercise and transportation). The civil penalty for failing to sterilize a dog or cat from a releasing agency will increase from $50 to $250.

6. **Fiscal Impact Estimates: Final.**

7. **Budget Amendment Necessary:** No.

8. **Fiscal Implications:** Although insufficient data exists to determine the fiscal impact due to the legislation at this time, increasing the penalties from a Class 4 to a Class 2 misdemeanor could result in an increase in the jail population since a Class 2 misdemeanor can result in a sentence of up to 6 months in jail (and $1,000 fine). Any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities $8.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. 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 FY2008 Jail Cost Report (November 1, 2009), the estimated total state support for local and regional jails averaged $32.66 per state inmate, per day in FY 2008. A Class 3 misdemeanor penalty is a $500 fine.

9. **Specific Agency or Political Subdivisions Affected:** State and local law enforcement agencies, local and regional jails.

10. **Technical Amendment Necessary:** No.

11. **Other Comments:** None.