

Department of Planning and Budget 2013 Fiscal Impact Statement

1. Bill Number: HB1562

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

2. Patron: Orrock, R. D.

3. Committee: Agriculture, Conservation and Natural Resources

4. Title: Dangerous and vicious dogs; authorizes animal control officer to apply to magistrate for summons.

5. Summary: This amended bill clarifies the distinctions between dangerous dogs and vicious dogs, requires the owner of either type of dog to provide basic care while confining the animal, and authorizes a court to order the owner to pay for the care of a dangerous or vicious dog while it is in state custody. In addition, the bill provides that any owner or custodian of a canine or canine crossbreed or other animal whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life and is the proximate cause of such dog or other animal attacking and causing serious injury to any person is guilty of a Class 6 felony.

The introduced version of the bill provided for an animal control officer or law-enforcement officer to apply to a magistrate for a summons where the officer believes that the owner of a dangerous or vicious dog has willfully failed to comply with the law. The amended bill removes this provision.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See item #8.

8. Fiscal Implications: It is anticipated that this bill will not result in a fiscal impact on the Department of Agriculture and Consumer Services.

This bill could result in an increase in the number of persons sentenced to jail or prison, as someone convicted of a Class 6 felony could be sentenced by a judge to up to one year in jail, or 1 to 5 years in 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 presently pays the localities \$4.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail and \$12.00 a day for each state responsible inmate. It also funds a considerable portion 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 2012), the estimated total state support for local jails averaged \$26.54 per inmate, per day in FY 2011.

9. Specific Agency or Political Subdivisions Affected: Department of Agriculture and Consumer Services; state and local courts, jails, correctional facilities.

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is identical to SB828 as amended and passed by the Senate.

Date: 1/29/13

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