



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### Senate Bill No. 1081

(Patron – Vogel)

LD #: 15101331

Date: 12/29/2014

Topic: Intentional tripping of equines

#### Fiscal Impact Summary:

- **State Adult Correctional Facilities:**  
\$50,000 \*
- **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\*\*

\*\*Provided by the Department of Juvenile Justice

\* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the 2014 Acts of Assembly, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

#### Summary of Proposed Legislation:

The proposal modifies § 3.2-6570 of the *Code of Virginia* to make it a Class 1 misdemeanor to intentionally rope or lasso the leg or legs of an equine to cause it to trip or fall as part of a rodeo, contest, exhibition, entertainment, or sport. Under the proposal, a second or subsequent violation would be a Class 6 felony. The proposal creates an exemption for individuals who cause an equine to trip or fall for the purpose of allowing veterinary care for the equine.

Currently, felony violations under § 3.2-6570 include torturing or mutilating a dog or cat causing death, a second or subsequent conviction involving cruelty to animals in which at least one act resulted in death, or a second or subsequent conviction involving killing a dog or cat for hide, fur or pelt. Crimes punishable as Class 1 misdemeanors under § 3.2-6570 include depriving any animal of necessary food, drink, shelter, or emergency veterinary treatment, willfully instigating an act of cruelty to any animal, and soring any equine for any purpose.

#### Analysis:

According to the Circuit Court Case Management System (CMS) for fiscal year (FY) 2013 and 2014, 22 offenders were convicted of a Class 6 felony for a violation of § 3.2-6570, which includes torture or mutilation of a dog or cat resulting in the animal's death (subsection F) and any second or subsequent conviction for cruelty to animals in which one of the acts resulted in death (subsection B). The animal cruelty conviction was the primary (or most serious) offense in 18 of the cases. Of these, 44.4% did not receive an active term of incarceration to serve after sentencing and 33.2% received a local-responsible

(jail) term for which the median sentence was five months. Four offenders received a state-responsible (prison) term with a median sentence length of 1.2 years.

General District Court CMS data for FY2013 and FY2014 indicate that 334 offenders were convicted of a misdemeanor under § 3.2-6570 for animal cruelty. Nearly three-quarters (74.6%) of these offenders did not receive an active term of incarceration to serve after sentencing. The median sentence for the 25.4% who were sentenced to a local-responsible (jail) term was one month.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** Because it adds a new Class 6 felony to the *Code of Virginia*, the proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. However, the number of additional felony convictions that may result from enactment of the proposal cannot be estimated; therefore, the magnitude of the impact on prison bed space needs cannot be determined.

**Local adult correctional facilities.** The proposal may also increase local-responsible (jail) bed space needs, but the magnitude of the impact cannot be determined.

**Adult community corrections programs.** 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 state 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.** As a new felony, a conviction for the proposed offense would not be covered by the sentencing guidelines when this crime is the primary (most serious) offense. A conviction for such an offense, 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.** According to the Department of Juvenile Justice (DJJ), the impact of the proposal on juvenile correctional center (JCC) bed space needs cannot be determined.

**Juvenile detention facilities.** The Department of Juvenile Justice reports that the proposal's 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; therefore, Chapter 2 of the 2014 Acts of Assembly, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.**

**Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

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