



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1081
Enrolled
(Patron Prior to Enrollment – Vogel)

LD #: Enrolled

Date: 2/23/2015

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 rope, lasso, or otherwise obstruct or interfere with 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 if the current violation or any previous violation resulted in the death of the animal. The proposal creates an exemption for individuals who cause an equine to trip or fall if the actions are in the practice of accepted animal husbandry or 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) 2009 through FY2014, six offenders were convicted of a Class 6 felony under § 3.2-6570(B) for a second or subsequent conviction for cruelty to animals in which one of the acts resulted in death. The animal cruelty conviction was the primary, or most serious, offense in all of the cases. Half (50%) of these offenders received a local-responsible (jail) term, for which the median sentence was two months. Two offenders received

state-responsible (prison) terms of three and ten years, respectively. The remaining 16.7% did not receive an active term of incarceration to serve after sentencing.

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.

Impact of Proposed Legislation:

State adult correctional facilities. Because it expands the applicability of an existing Class 6 felony, 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. Felony convictions under § 3.2-6570 are not covered by the sentencing guidelines when this offense is the primary, or most serious, offense in a case. However, convictions under this statute 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.

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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