

Department of Planning and Budget 2015 Fiscal Impact Statement

1. Bill Number: SB1315

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

2. Patron: Lewis

3. Committee: Agriculture, Conservation and Natural Resources

4. Title: Nonhuman primates; penalties.

5. Summary: This bill prohibits the acquisition of nonhuman primates and controls the ownership of such primates already in the Commonwealth. The bill prohibits the possession, sale, transfer, or breeding of a primate, defined as any species of the taxonomic order Primates except humans. The bill excepts from the prohibition certain institutions, such as accredited zoos; qualified transporters passing through the Commonwealth; and those in lawful possession of a primate prior to July 1, 2015, as long as they meet certain conditions. The bill authorizes the Board of Game and Inland Fisheries to adopt regulations to carry out the law. Finally, the bill provides a procedure for the seizure of a primate in certain circumstances; provides a private right of action for any resident of a locality where a primate is kept; and authorizes localities to adopt ordinances that are more stringent than the restrictions contained in the bill. The bill provides that a violation of any of its provisions is a Class 1 misdemeanor and that an owner whose reckless control of a primate is the cause of a serious attack on a person also is guilty of a Class 1 misdemeanor.

6. Budget Amendment Necessary: No.

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

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2015	n/a	n/a	n/a
2016	\$325,050	2.5	Nongeneral fund
2017	\$160,440	2.5	Nongeneral fund
2018	\$160,440	2.5	Nongeneral fund
2018	\$160,440	2.5	Nongeneral fund
2020	\$160,440	2.5	Nongeneral fund
2021	\$160,440	2.5	Nongeneral fund

7b. Revenue Impact: Indeterminate.

8. Fiscal Implications: At this time, the fiscal implications of this bill are preliminary. Under current statute, nonhuman primates are considered companion animals, similar to dogs or cats. As such, there is nothing to prevent individuals from having a nonhuman primate in

their home as a pet. While the Department of Agriculture and Consumer Services (VDACS) requires that all primates imported into Virginia receive a Certificate of Veterinary Inspection, there are several exemptions for this requirement. Neither VDACS nor the Department of Game and Inland Fisheries (DGIF) have data regarding the potential number of primates owned as pets currently, or the number of primates that may be illegally possessed or bred as a result of this legislation.

DGIF has stated that, based on the establishment of other permitting programs, a minimum administrative impact is anticipated. The agency assumes that at least one additional conservation police officer, one additional biologist with expertise in exotic animals, and half of an administrative position will be required to implement the program. Further, DGIF will incur equipment related costs. The department will need to construct animal holding enclosures with incineration and burial capabilities. Currently, the agency does not have such enclosures on its property. Other equipment, such as vehicles with caging capacity, will likely be required. In total, the department estimates an expenditure of \$325,050 the first year (FY 2016), and \$160,440 in FY 2017 and beyond. However, a budget amendment is not required at this time based on historical expenditure patterns and appropriation levels. In addition, the agency has vacant positions as part of its maximum employment level that can be utilized for this purpose. Depending on the scope of the program, once established, an increase in appropriation and/or position level may be assessed.

The proposed legislation authorizes the Board of Game and Inland Fisheries to establish regulations establishing registration fees for primates on a sliding scale depending the number of primates a person possesses. It is unclear if these registration fees are intended to fully fund the cost of administering the program. As stated above, the number of primates that will be registered is unknown. DGIF has communicated with other states, including Florida and Illinois, both of which have programs related to nonhuman primates. These states charge a registration fee of \$100. At this time, it is uncertain if this fee would be sufficient to fund the program. The revenue impact is indeterminate.

Lastly, the bill establishes a penalty of a Class 1 misdemeanor for violating provisions of the bill. As such, the proposed legislation could result in an increase in the jail population since Class 1 misdemeanor outcomes result in sentences of up to 12 months in jail (and a fine up to \$2,500). Any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds a significant 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 FY 2013 Jail Cost Report (November 1, 2014), the estimated total state support for local and regional jails averaged \$30.54 per state inmate, per day in FY 2013.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Game and Inland Fisheries; Department of Agriculture and Consumer Services; Department of State Police; Department of Corrections; localities; state and local court and jail systems.

- 10. Technical Amendment Necessary:** No.

11. Other Comments: None.