

Department of Planning and Budget 2016 Fiscal Impact Statement

1. Bill Number: HB302

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Rasoul

3. Committee: Courts of Justice

4. Title: Elephants; prohibits use of devices for training, etc., that inflict pain or cause physical injury.

5. Summary: The bill prohibits a person engaged in the discipline of an elephant from (i) using electricity, martingales, or block and tackle; (ii) using physical punishment resulting in damage, scarring, or breaking of skin; or (iii) inserting any instrument into any orifice of an elephant. The bill also prohibits the use of certain devices designed to inflict pain for the purpose of training or controlling the behavior of an elephant as well as the brandishment, exhibition, or display of any of these same devices in the presence of an elephant. The bill provides that any person who uses such devices or engages in certain practices that inflict pain or cause physical injury to an elephant is guilty of a Class 1 misdemeanor under the cruelty to animals statute. Any person who commits a second or subsequent violation within five years of a prior conviction is guilty of a Class 6 felony.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary.

8. Fiscal Implications: The lack of knowledge among local animal control and law enforcement agencies about elephants and routine husbandry practices is likely to lead to an increase in resource requests to the Department of Agriculture and Consumer Services and could result in localities expending additional resources to handle complaints involving elephants. The department estimates that its response to the anticipated requests for assistance can be absorbed with current resources.

The bill specifies that any person who commits a violation against these provisions is guilty of a Class 1 misdemeanor, with subsequent violations within five years resulting in a Class 6 felony. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 5 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Ultimately, the presiding judge will decide if there is to be any time served in jail; however, 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 2015), the estimated total state support for local jails averaged \$32.24 per inmate, per day in FY 2014.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 665 of the 2015 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected: Department of Agriculture and Consumer Services; localities; local courts and jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.