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**HOUSE BILL NO. 739**

Offered January 10, 2018

Prefiled January 9, 2018

A *BILL to amend and reenact § 18.2-144.1 of the Code of Virginia, relating to killing of police animals; penalty.*

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Patron—McGuire

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Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That § 18.2-144.1 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-144.1. Prohibition against killing or injuring police animals; penalty.**

A. It ~~shall be~~ is unlawful for any person to maliciously shoot, stab, wound or otherwise cause bodily injury to, or administer poison to or expose poison with intent that it be taken by a dog, horse, or other animal owned, used, or trained by a law-enforcement agency, regional jail ~~or~~, the Department of Corrections, *or the Department of Emergency Management* while such animal is performing his lawful duties or is being kept in a kennel, pen, or stable while off duty. A violation of this ~~section~~ *subsection* shall be punishable as a Class 5 felony.

B. Any owner or custodian of a canine, 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 the safety of persons or property and is the proximate cause of such canine, canine crossbreed, or other animal attacking a dog, horse, or other animal owned, used, or trained by a law-enforcement agency, regional jail, the Department of Corrections, *or the Department of Emergency Management* while such animal is performing his lawful duties or is being kept in a kennel, pen, or stable while off duty where such attack results in the death of such dog, horse, or other animal is guilty of a Class 5 felony.

C. The court shall order that the defendant pay restitution for the cost of any animal killed or rendered unable to perform its duties. Such cost shall include training expenses.

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. 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 836 of the Acts of Assembly of 2017 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.**

INTRODUCED

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