



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 739

(Patron – McGuire)

LD#: 18104252

Date: 1/5/2018

Topic: Killing or injuring police animals

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000 *
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Direct Care:**
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 836 of the 2017 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

The proposal amends § 18.2-144.1, relating to killing or injuring police animals. Currently, it is unlawful for any person to maliciously shoot, stab, wound or otherwise cause bodily injury to, or administer poison to or expose poison with the 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 while such animal is performing his lawful duties or is being kept in a kennel, pen, or stable while off duty. Violation of this provision is punishable as a Class 5 felony.

Under the proposal, the provisions of § 18.2-144.1 would be added to such that 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 police animal resulting in its death is guilty of a Class 5 felony.

The proposal also extends the provisions of § 18.2-144.1 to cover animals owned, used or trained by the Department of Emergency Management.

Analysis:

Existing data sources do not contain sufficient detail to identify the number of individuals who would be convicted of a felony under § 18.2-144.1 if the proposal is enacted. However, affected offenders may be sentenced similarly to those currently convicted under § 18.2-144.1.

According to the Circuit Court Case Management System (CMS) for fiscal year (FY) 2016 and FY2017, six offenders were convicted of a felony under § 18.2-144.1. It was the primary, or most serious, offense in only one of the cases. The offender, however, did not receive an active term of incarceration to serve after sentencing.

Impact of Proposed Legislation:

State adult correctional facilities. Because it creates a new felony offense, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. Existing databases do not provide sufficient detail to estimate the number of new felony convictions likely to result from enactment of the proposal. As a result, the magnitude of the impact on prison beds cannot be quantified.

Local adult correctional facilities. Similarly, the proposal may also increase the local-responsible (jail) bed space needs of the Commonwealth. However, 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 adult community corrections resources. Since the number of cases that may be affected cannot be determined, the potential impact on community corrections resources cannot be quantified.

Virginia's sentencing guidelines. Convictions under § 18.2-144.1 are not covered by the sentencing guidelines as the primary, or most serious, offense. Such a conviction, however, could augment the guidelines recommendation if the most serious offense at sentencing is covered by the guidelines. No adjustment to the guidelines is necessary under the proposal.

Juvenile direct care. According to the Department of Juvenile Justice, the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) 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 836 of the 2017 Acts of Assembly 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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