

## Department of Planning and Budget 2018 Fiscal Impact Statement

**1. Bill Number:** SB479

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

**2. Patron:** Reeves

**3. Committee:** Courts of Justice

**4. Title:** Use or display of firearm during commission of a felony; killing or injuring police animals; penalty.

**5. Summary:** Prohibits using or attempting to use a firearm, including any pistol, shotgun, or rifle, while killing or injuring or attempting to kill or injure a police animal in violation of § 18.2-144.1. Violation of this provision would be punishable as a felony with a mandatory minimum sentence of three years in prison for a first conviction and a mandatory minimum of five years in prison for a second or subsequent conviction.

**6. Budget Amendment Necessary:** Yes. Item 391.

**7. Fiscal Impact Estimates:** Preliminary. See Item 8 below.

**Expenditure Impact:**

<i><b>Fiscal Year</b></i>	<i><b>Dollars</b></i>	<i><b>Fund</b></i>
2019	\$50,000	General
2020	\$0	
2021	\$0	
2022	\$0	
2023	\$0	
2024	\$0	
2025	\$0	

**8. Fiscal Implications:** Under the proposal, using a firearm to kill or injure a police animal would be punishable as a felony and subject to a three-year mandatory sentence if it is the individual's first conviction, and a five-year mandatory sentence if it is the individual's second or subsequent conviction under. These mandatory terms must run consecutively with any punishment received for the primary felony. Expanding existing felony offenses that carry mandatory minimum sentences may result in an increase in the number of persons sentenced to jail or prison.

The proposed bill may increase the number of offenders who are held in jail before being transferred to prison. However, there is not enough information available to reliably estimate

how many additional inmates in jail could result from this proposal. 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 2017), the estimated total state support for local jails averaged \$34.58 per inmate, per day in FY 2016.

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 836 of the 2017 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 Corrections, Local and Regional jails.

**10. Technical Amendment Necessary:** None

**11. Other Comments:** None