



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 479

(Patron – Reeves)

LD#: 18103340

Date: 12/15/2017

Topic: Use of firearm to kill or injure police animals

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000 *
- **Local Adult Correctional Facilities:**
None (\$0)
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Correctional Centers:**
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 expands § 18.2-53.1, relating to the use of a firearm in the commission of certain felonies, to include the killing or injuring of a police animal in violation of § 18.2-144.1. 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 under § 18.2-53.1 and a five-year mandatory sentence if it is the individual's second or subsequent conviction under § 18.2-53.1. These mandatory terms must run consecutively with any punishment received for the primary felony.

Analysis:

Existing data sources do not contain sufficient detail to estimate the number of additional felony convictions under § 18.2-53.1 that may result from the proposal's enactment.

According to fiscal year (FY) 2016 and FY2017 Sentencing Guidelines data, 779 offenders were convicted of a felony for using a firearm during the commission of a felony, in violation of § 18.2-53.1. The firearm conviction was most frequently accompanied by a robbery or felony assault conviction.

Impact of Proposed Legislation:

State adult correctional facilities. Because it expands the applicability of an existing felony offense that carries a mandatory term of imprisonment, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. Existing data do not provide sufficient detail to estimate the number of offenders who would be affected by the proposal. As a result, the magnitude of the impact on prison bed space needs cannot be quantified.

Local adult correctional facilities. Because it would require affected offenders to serve a mandatory prison term, the proposal is not expected to increase local-responsible (jail) bed space needs.

Adult community corrections resources. The impact of the proposal on local and state community corrections resources cannot be determined.

Virginia's sentencing guidelines. Felony convictions under § 18.2-53.1 are covered by the current sentencing guidelines. No adjustment to the guidelines would be 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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