

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: HB1616

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

2. Patron: Fowler

3. Committee: Courts of Justice

4. Title: Firearms; use or display during commission of a felony, killing or injuring police animals, penalty.

5. Summary: Currently, under §18.2-144.1, killing or injuring police animals is punishable as a Class 5 felony. The proposed legislation expands §18.2-53.1 and provides that using a firearm to kill or injure a police animal would be punishable as a felony. A person found guilty under the proposed legislation would be sentenced to a mandatory minimum term of imprisonment of three years for a first conviction and to a mandatory minimum term of five years for a second or subsequent conviction under the provisions of §18.2-53.1. The mandatory minimum sentence must be separate and apart from, and must run consecutively with, any punishment received for the commission of the primary felony.

6. Budget Amendment Necessary: Yes. Item 391

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

7a. Expenditure Impact:

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

8. Fiscal Implications: Because it expands the applicability of mandatory minimum sentences for violating an existing provision, the proposed legislation may increase in the number of persons sentenced to state correctional facilities. However, existing data are not sufficient to estimate the impact on prison bed space as a result of this proposed legislation.

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 2 of the

2018 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, and local correctional facilities.

10. Technical Amendment Necessary: None

11. Other Comments: None