

## Department of Planning and Budget 2019 Fiscal Impact Statement

**1. Bill Number:** HB2642H1

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

**2. Patron:** Levine

**3. Committee:** House Committee for Courts of Justice

**4. Title:** Cruelty to animals with intent to intimidate or threaten a household member; penalty.

**5. Summary:** The proposed legislation makes any violation relating to cruelty to an animal a Class 6 felony when such violation is carried out with the intent to coerce, intimidate, or harass a family or household member.

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

**7. Fiscal Impact Estimates:** Preliminary (see Item 8 below).

**8. Fiscal Implications:** The proposed legislation establishes that any violation of current law related to animal cruelty when committed with the intent to coerce, intimidate, or harass a family or household member is a Class 6 felony.

For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 5 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison. According to the Sentencing Commission, there is not sufficient data to estimate the impact of the proposed legislation on state-responsible (prison) bed space. 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.

Additionally, there is not enough information available to reliably estimate how many additional inmates in jail could result from this proposed legislation. Ultimately, the presiding judge will decide if there is to be any time served in jail; however, 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. It also funds a large 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 2018), the estimated total state support for local jails averaged \$33.83 per inmate, per day in FY 2017.

**9. Specific Agency or Political Subdivisions Affected:** Department of Corrections; Local and regional jails.

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None