

## Department of Planning and Budget 2005 Fiscal Impact Statement

**1. Bill Number** HB2029

<b>House of Origin</b>	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input checked="" type="checkbox"/> In Committee	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron** Amundson

**3. Committee** Agriculture, Conservation and Natural Resources

**4. Title** Nonindigenous aquatic nuisance species; penalty.

**5. Summary/Purpose:**

Imposes Class 1 misdemeanor punishment on anyone who introduces into the waters of the Commonwealth any snakehead fish of the family Channidae without a permit from the Board of Game and Inland Fisheries. The bill includes an exemption for a person who catches a snakehead fish if the individual has lawfully taken the fish, killed it, and reported his actions to the Department of Game and Inland Fisheries. Currently, the penalty for such actions is a civil penalty of not more than \$25,000, which is paid into the Game Protection Fund, as well as the costs incurred by the state and local government for the investigation, control, and eradication of the species.

**6. Fiscal Impact Estimates are:** Indeterminate, See item 8, below.

**7. Budget amendment necessary:** No.

**8. Fiscal implications:**

Section 29.1-577 of the Code provides for a civil penalty of up to \$25,000. Any revenue generated from this civil penalty is deposited into the Game Protection Fund. This provision was added to the Code by the 2003 General Assembly. According to the Department of Game and Inland Fisheries, to date, no one has been subject to this penalty.

The proposed legislation creates a new Class 1 misdemeanor. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. 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 pays the localities \$8.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds most of the jails operating costs, e.g. correctional officers. The states 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 (FY 2003), the estimated total state support for local jails averaged \$27.42 per inmate, per day in FY 2003.

**9. Specific agency or political subdivisions affected:** Department of Game and Inland Fisheries, local jails, court system.

**10. Technical amendment necessary:** No.

**11. Other comments:** None

**Date:** 02/17/05/tmw

**Document:** G:\2005 Session\Legislation\Hb2029S1.Doc

cc: Secretary of Natural Resources  
Secretary of Public Safety