



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1188

(Patron – Albo)

LD#: 14104089

Date: 1/17/2014

Topic: Animal fighting

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
None (\$0)
- **Local Adult Correctional Facilities:**
None (\$0)
- **Adult Community Corrections Programs:**
None (\$0)

- **Juvenile Correctional Centers:**
None (\$0)
- **Juvenile Detention Facilities:**
None (\$0)

Summary of Proposed Legislation:

The proposed legislation expands the felony provisions of § 3.2-6571, relating to animal fighting.

Currently, under § 3.2-6571, promoting, preparing for, engaging in, being employed in, attending, or allowing an exhibition of the fighting of animals, as well as aiding or abetting such acts, is punishable as a Class 1 misdemeanor. However, the penalty is increased to a Class 6 felony if the offense occurs in conjunction with other prohibited behaviors, such as wagering, paying, or receiving admission for a fight, possessing an animal for fighting, possessing a device to enhance an animal's ability to fight, or if a dog is one of the animals involved.

The proposal would modify the list of prohibited behaviors under § 3.2-6571(B) to explicitly include instances in which anything of value is wagered or paid or received for admission to any premises or for participation in any exhibition when a dog and either a coyote or a fox is placed into an enclosed or fenced area.

Analysis:

According to data from the General District Court Case Management System (CMS) for fiscal year (FY) 2010 through FY2013, two offenders were convicted of a misdemeanor violation of § 3.2-6571(A) for promoting or engaging in animal fighting during this time period. Neither of these offenders received an active term of incarceration to serve after sentencing.

Circuit Court CMS data for FY2012 and FY2013 indicate that two offenders were convicted of a Class 6 felony under § 3.2-6571(B) for offenses involving animal fighting. Both of these offenders were convicted of a violation of § 3.2-6571(B,1) for dog fighting. While one offender did not receive an active term of incarceration to serve after sentencing, the other offender was sentenced to a state-responsible (prison) term of 1.5 years.

Impact of Proposed Legislation:

State adult correctional facilities. Since any offense in violation § 3.2-6571(A) is currently punishable as a Class 6 felony if a dog is one of the animals involved, the proposal is not expected to expand the scope of § 3.2-6571 beyond existing provisions. Therefore, the proposal is not expected to increase the future state-responsible (prison) bed space needs of the Commonwealth.

Local adult correctional facilities. Similarly, the proposal is not expected to increase the local-responsible (jail) bed space needs of the Commonwealth.

Adult community corrections programs. The proposal is not expected to impact community corrections resources.

Virginia's sentencing guidelines. Felony convictions under § 3.2-6571 are not covered by the sentencing guidelines as the primary (most serious) offense in a sentencing event. Such a conviction, however, could augment the guidelines recommendation if the most serious offense at sentencing is covered by the guidelines. No adjustment to the guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice, the proposal is not expected to increase juvenile correctional center bed space needs.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal is not expected to increase the bed space needs of juvenile detention facilities.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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