



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 189 (Patron – Fowler and Hurst)

LD#: 18103091

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.

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**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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