



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

### House Bill No. 593 (Patron – Gooditis)

LD #: 18103800

Date: 1/9/2018

Topic: Cruelty to animals

#### Fiscal Impact Summary:

- **State Adult Correctional Facilities:**  
\$50,000\*
- **Local Adult Correctional Facilities:**  
Cannot be determined
- **Adult Community Corrections Programs:**  
Cannot be determined

- **Juvenile Direct Care:**  
None (\$0) \*\*
- **Juvenile Detention Facilities:**  
None (\$0) \*\*

\*\* 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 amends § 3.2-6570 of the *Code of Virginia* relating to animal cruelty. Currently, felony violations of § 3.2-6570 include torturing, mutilating, etc., a dog or cat resulting in death, a second or subsequent conviction involving cruelty to animals in which at least one act resulted in death, or a second or subsequent conviction involving the killing of a dog or cat for hide, fur or pelt. Crimes punishable as Class 1 misdemeanors under § 3.2-6570 include depriving any animal of necessary food, drink, shelter, or emergency veterinary treatment, willfully inflicting inhumane injury to any animal, and soring an equine for any purpose.

The proposal would expand an existing provision of § 3.2-6570(B), relating to depriving an animal of food, drink, shelter, or veterinary care, to include horses. Under the proposal, any person who deprives any companion animal or equine of necessary food, drink, shelter, or emergency veterinary treatment within five years of a previous conviction for animal cruelty under § 3.2-6570 would be guilty of a Class 6 felony if the violation or any previous violation of subsections (A) and (B) of § 3.2-6570 resulted in the death of an animal.

#### Analysis:

According to the Circuit Court Case Management System (CMS) for fiscal year (FY) 2016 and FY2017, two offenders were convicted of a Class 6 felony under § 3.2-6570(B) for a second or subsequent conviction involving cruelty to animals in which at least one act resulted in death. The animal cruelty

conviction was the primary, or most serious, offense in both of the cases. Neither offender received an active term of incarceration to serve after sentencing.

General District Court CMS data for FY2016 and FY2017 indicate that 427 offenders were convicted of a misdemeanor under § 3.2-6570 for animal cruelty. The majority (81%) of these offenders did not receive an active term of incarceration to serve after sentencing. The median sentence for the 19% who were sentenced to a local-responsible (jail) term was about 20 days.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** Because it expands the applicability of an existing Class 6 felony, the proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. However, existing data do not provide sufficient detail to estimate the number of new felony convictions that could result from enactment of the proposal. Therefore, the impact on prison bed space needs cannot be determined.

**Local adult correctional facilities.** Similarly, the proposal may increase the local-responsible (jail) bed space needs, but the magnitude of the impact cannot be determined.

**Adult community corrections programs.** Because the proposal could result in felony convictions and subsequent supervision requirements for additional offenders, the proposal may increase the need for adult community corrections resources. However, the impact on community corrections programs cannot be calculated.

**Virginia’s sentencing guidelines.** Felony convictions under § 3.2-6570 are not covered by the sentencing guidelines when these offenses are the primary, or most serious, offense in a case. However, convictions under this statute 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 direct care.** According to the Department of Juvenile Justice (DJJ), the proposal will not increase direct care (juvenile correctional center or alternative commitment placement) bed space needs.

**Juvenile detention facilities.** The Department of Juvenile Justice (DJJ) reports that the proposal will not increase the bed space needs of juvenile detention facilities.

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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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

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