

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: HB79

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

2. Patron: Yancey

3. Committee: Agriculture, Chesapeake and Natural Resources

4. Title: Dog boarding establishments; group play requirements, notice of risk of group play, penalties.

5. Summary: This bill requires an employee of a dog boarding establishment to be present at all times that a dog is able to have physical contact with another dog. The bill limits the number of dogs that may have physical contact at any given time based on certain weight classifications. Failure to adequately supervise dogs in group play is established as a Class 1 misdemeanor.

The bill also requires notice of risk of group play for dogs to be given to consumers. Failure to provide notice of the risk of group play is established as a Class 3 misdemeanor.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary.

8. Fiscal Implications: It is anticipated that this bill will not result in a fiscal impact to the Department of Agriculture and Consumer Services (VDACS). However, the bill may impact localities. Boarding establishments are private businesses and are not subject to routine inspections by the Commonwealth of Virginia or local animal control agencies. Most inspections and/or investigations are conducted by local animal control agencies upon receipt of a complaint. The animal control agency for the locality in which a facility is located is responsible for the enforcement of the Comprehensive Animal Care Law (Va. Code § 3.2-6500 et seq.) as it pertains to boarding establishments. The law requires boarding establishments to provide adequate care, including veterinary care when needed. The bills have no direct fiscal impact on VDACS but may impact local jurisdictions due to increased complaints and subsequent investigations at boarding establishments.

The bill expands provisions that, if violated, are punishable by a 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. 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 misdemeanant 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 2017), the estimated total state support for local jails averaged \$34.58 per inmate, per day in FY 2016.

In addition, this bill establishes a new provision that, if violated, is punishable by a Class 3 misdemeanor. Such offenses carry the possibility of fines. The anticipated revenue is indeterminate as the number of violators cannot be estimated. Any revenue from such fines is deposited to the state Literary Fund.

9. Specific Agency or Political Subdivisions Affected: Department of Agriculture and Consumer Services; local animal control agencies; local courts and jails; localities.

10. Technical Amendment Necessary: No.

11. Other Comments: HB94 is similar to this bill.