

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: SB729

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: DeSteph

3. Committee: Agriculture, Conservation and Natural Resources

4. Title: Cruelty to animals; aggravated cruelty; penalty

5. Summary: This bill provides that a person who commits an act of aggravated cruelty on a companion animal is guilty of a Class 6 felony. The bill defines "aggravated cruelty" and "torture." The bill increases from a Class 1 misdemeanor to a Class 6 felony the penalty for torturing, killing, or willfully inflicting inhumane injury or pain to a dog or cat. Current law requires that the dog or cat die as a direct result of the torture or cruelty before the violation is a Class 6 felony.

6. Budget Amendment Necessary: Yes, to Item 391 of HB30/SB30.

7. Fiscal Impact Estimates: Preliminary. See item 8.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2018	0	n/a	n/a
2019	\$50,000	n/a	GF
2020	0	n/a	n/a
2021	0	n/a	n/a
2022	0	n/a	n/a
2023	0	n/a	n/a
2024	0	n/a	n/a

8. Fiscal Implications: It is anticipated that this bill will not result in a fiscal impact to the Department of Agriculture and Consumer Services.

For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 5 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison. 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 misdemeanor or otherwise local responsible prisoner held in a jail and \$12.00 a day for each state responsible inmate. It also funds a considerable 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.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to § 30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 836, 2017 Acts of Assembly, requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected: State and local courts and jails; Department of Corrections.

10. Technical Amendment Necessary: No.

11. Other Comments: None.