



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2307 (Patrons – Fowler and Cole)

LD#: 19103973

Date: 01/08/2019

Topic: Killing or injuring police animals

Fiscal Impact Summary:

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

- **Juvenile Direct Care:**
Cannot be determined *
- **Juvenile Detention Facilities:**
Cannot be determined *

* Provided by the Department of Juvenile Justice

Summary of Proposed Legislation:

The proposal amends § 18.2-144.1, relating to killing or injuring police animals. Currently, it is unlawful for any person to maliciously shoot, stab, or wound or otherwise cause bodily injury to, or administer poison to or expose poison with the intent that it be taken by a dog, horse, or other animal owned, used, or trained by a law-enforcement agency, regional jail, or the Department of Corrections while such animal is performing its lawful duties or is being kept in a kennel, pen, or stable while off duty. Violation of this provision is punishable as a Class 5 felony.

The proposal requires that the sentence imposed under § 18.2-144.1 include a mandatory minimum term of imprisonment of six months. Moreover, the proposal specifies that such punishment shall be separate and apart from, and shall be made to run consecutively with, any other sentence.

Analysis:

A review of fiscal year (FY) 2013 through FY 2018 Circuit Court Case Management System (CMS) data revealed that three offenders were convicted of a completed felony in violation of § 18.2-144.1. Of these, two offenders were sentenced to a state-responsible (prison) term; one received a sentence of 3.1 years (also convicted of possession of Schedule I/II drugs under § 18.2-250 as the most serious offense) while the other offender received a sentence of 45.5 years (also convicted of distribution of Schedule I/II drugs, 3rd or subsequent offense, under § 18.2-248(C) as the most serious offense). The remaining one offender received a local-responsible (jail) term with a sentence of six months.

Impact of Proposed Legislation:

State adult correctional facilities. The proposal would require a mandatory minimum sentence of six months for violation of § 18.2-144.1, involving killing or injuring police animals. A mandatory minimum sentence of this length is unlikely to increase the future state-responsible (prison) bed space needs of the Commonwealth.

Local adult correctional facilities. By establishing a six-month mandatory minimum sentence for the offense specified under § 18.2-144.1, the proposal may increase the future local-responsible (jail) bed space needs. However, available data reveal that, in the six most recent fiscal years, no offender convicted of a completed felony under § 18.2-144.1 has received a sentence of less than six months. Therefore, the proposal is not expected to have an impact on the local-responsible (jail) bed space needs of the Commonwealth.

Adult community corrections resources. The proposal is not expected to have an impact on state or local community corrections resources in Virginia.

Virginia's sentencing guidelines. Convictions under § 18.2-144.1 are not covered by the sentencing guidelines as the primary, or most serious, offense. 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 is 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.

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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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