

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: SB1604

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

2. Patron: DeSteph

3. Committee: Courts of Justice.

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

5. Summary: Expands animal cruelty provisions punishable by a Class 6 felony by including such acts that cause serious bodily injury to a companion dog or cat. Serious bodily injury is defined as bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

6. Budget Amendment Necessary: Yes, Item 391.

7. Fiscal Impact Estimates: Preliminary.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2019			
2020	\$50,000	n/a	n/a
2021	n/a	n/a	n/a
2022	n/a	n/a	n/a
2023	n/a	n/a	n/a
2024	n/a	n/a	n/a
2025	n/a	n/a	n/a

8. Fiscal Implications: This bill changes an existing penalty from a Class 1 misdemeanor, which is punishable by up to 12 months in jail, to a Class 6 felony. It also establishes a new offense that is punishable as a Class 6 felony. 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 either 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 misdemeanant 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 2018), the estimated total state support for local jails averaged \$33.83 per inmate, per day in FY 2017.

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 2 of the 2018 Acts of Assembly, Special Session I requires that a minimum impact of \$50,000 be assigned to the bill.

No impact is expected to the Department of Agriculture and Consumer Services.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.