



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 508 (Patron – Willett)

LD#: 20103962

Date: 1/3/2020

Topic: Dangerous dogs

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
None (\$0)
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Correctional Centers:**
Cannot be determined*
- **Juvenile Detention Facilities:**
Cannot be determined*

*Provided by the Department of Juvenile Justice

Summary of Proposed Legislation:

The proposal amends § 3.2-6540 regarding the control of dangerous dogs. Currently, this section lists several misdemeanor offenses related to the failure to contain or control dangerous dogs, resulting in injury to humans or companion animals; if the failure to control a dangerous dog results in a serious injury to a human, the offense is a Class 6 felony. The proposal clarifies and makes substantive changes to provisions related to dangerous dogs. These include (i) requiring a law-enforcement officer or animal control officer who has reason to believe that a dog within his jurisdiction is a dangerous dog to apply for a general district court summons, a requirement that is currently discretionary; and (ii) additional requirements for owners during and after a dangerous dog adjudication. The proposal requires that, upon the disposition by sale, transfer, or surrender to a releasing agency of a dog that has been found to be a dangerous dog, the owner must notify the receiver that the animal has been so adjudicated; violation of this provision would be a Class 1 misdemeanor.

The proposal also amends subsection E of § 3.2-6570 of the *Code of Virginia* by increasing from a Class 1 misdemeanor to a Class 6 felony the penalty for a first offense of killing a domestic dog or cat for the purpose of obtaining its hide, fur, or pelt. Current law imposes a Class 6 felony charge only for a second or subsequent offense.

Analysis:

According to General District Court Case Management System (CMS) data for fiscal year (FY) 2014 through FY2019, there were 466 misdemeanor convictions for violations related to the failure to control

dangerous dogs under § 3.2-6540. This offense was the primary, or most serious offense, in 398 cases. In 97.7% of the cases, the offender did not receive an active term of incarceration to serve after sentencing. In nine cases (2.3%), the offender was sentenced to a local-responsible (jail) term with a median sentence of approximately 1.4 months. Circuit Court CMS data for the same time period indicated that two offenders were convicted of a Class 6 felony under this section for failure to control a dangerous dog resulting in serious injury to a human; neither offenders received an active term of incarceration to serve after sentencing.

According to Circuit Court CMS data for FY2014 through FY2019, there were no felony convictions under § 3.2-6570(E) for a second or subsequent offense of killing a domestic dog or cat for the purpose of obtaining its hide, fur, or pelt. Furthermore, General District Court CMS data for the same time period indicated that no offenders were convicted of a misdemeanor first offense under this subsection. Although one offense appeared to be a violation of § 3.2-6570(E), further investigation indicated that the actual conviction was for misdemeanor cruelty to animals under subsection A of § 3.2-6570.

Impact of Proposed Legislation:

State adult correctional facilities. The proposal increases the penalty for an existing Class 1 misdemeanor to a Class 6 felony. However, available data reveal that, in the six most recent fiscal years, no offender has been convicted of a misdemeanor violation of § 3.2-6570(E). Therefore, the proposal is not expected to have an impact on the state-responsible (prison) bed space needs of the Commonwealth.

Local adult correctional facilities. The proposal establishes a new Class 1 misdemeanor under the revised § 3.2-6540. In this way, the proposal may increase the future local-responsible (jail) bed space needs. However, the magnitude of the impact cannot be determined.

Adult community corrections programs. Because the proposal could result in 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. Convictions under § 3.2-6540 are not covered by the sentencing guidelines when this offense is 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, the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) bed space needs cannot be determined.

Juvenile detention facilities. According to the Department of Juvenile Justice, the impact of the proposal 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.