# Fiscal Impact Statement for Proposed Legislation

*Virginia Criminal Sentencing Commission*

## House Bill No. 83

***(Patron – Fowler)***

**LD#:** 20102206 **Date:** 12/10/2019

**Topic:** Killing or injuring police animals

**Fiscal Impact Summary:**

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

- **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 shall be separate and apart from, and shall be made to run consecutively with, any other sentence.

**Analysis:**

A review of fiscal year (FY) 2014 through FY 2019 Circuit Court Case Management System (CMS) data revealed that nine offenders were convicted of a felony violation of § 18.2-144.1. This offense was the primary (most serious) offense at sentencing for two offenders (both convicted of attempting to kill or injure a police animal); of these, one offender received a local-responsible (jail) term of six months, while the other did not receive an active term of incarceration to serve after sentencing. For the seven remaining offenders, the violation of § 18.2-144.1 was secondary to a more serious primary offense such as a felony drug or assault conviction. In each case, the sentence imposed for the violation of § 18.2-144.1 was run consecutively with the sentences imposed for other offenses.

**Impact of Proposed Legislation:**

**State adult correctional facilities.** The proposal requires that the sentence imposed under § 18.2-144.1 shall be separate and apart from, and shall be made to run consecutively with, any other sentence. However, available data reveal that, in the six most recent fiscal years, no offender with a primary offense conviction under § 18.2-144.1 has received a prison sentence. Furthermore, in each case examined, the sentence imposed for the violation of § 18.2-144.1 was run consecutively with the sentences imposed for other offenses. 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.** By requiring that the sentence imposed under § 18.2-144.1 be made to run consecutively with any other sentence, the proposal may increase the future local-responsible (jail) bed space needs. However, the magnitude of the impact cannot be determined.

**Adult community corrections resources.** The proposal may increase the need for adult community corrections resources. Since the number of cases that may be affected cannot be determined, the potential impact on community corrections resources cannot be quantified.

**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.

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**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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