



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### Senate Bill No. 774

(Patron – Chafin)

LD#: 20104094

Date: 12/27/2019

Topic: Big game hunting

#### Fiscal Impact Summary:

- **State Adult Correctional Facilities:**  
None (\$0)
- **Local Adult Correctional Facilities:**  
None (\$0)
- **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 § 29.1-521 of the *Code of Virginia*, relating to hunting, trapping, possessing, selling, and transporting wild birds and wild animals. The proposal would expand § 29.1-521 to make it unlawful for any person to offer for sale, sell, offer to purchase, purchase, or guarantee a kill of, or charge a fee for killing, a deer, bear, or wild turkey. Violation would be punishable as provided in § 29.1-553.

Under § 29.1-553, any person who offers for sale, sells, offers to purchase, or purchases any wild bird or wild animal, or any part thereof, or any freshwater fish, except as provided by law, is guilty of a Class 1 misdemeanor. However, when the aggregate of such sales or purchases or any combination thereof, by any person totals \$200 or more during any 90-day period, that person is guilty of a Class 6 felony.

#### Analysis:

According to Circuit Court Case Management System (CMS) data for fiscal year (FY) 2014 through FY2019, there were nine offenders convicted of a Class 6 felony offense under § 29.1-553. It was the primary, or most serious, offense in all cases. None of these offenders received an active term of incarceration to serve after sentencing. Furthermore, General District Court CMS data for the same time period indicate that 16 offenders were convicted of a misdemeanor offense under § 29.1-553. None of these offenders received an active term of incarceration to serve after sentencing.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** The proposal expands the applicability of an existing felony offense. However, available data reveal that, in the six most recent fiscal years, no offender with a primary offense conviction under § 29.1-553 has received a prison sentence. 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.** Since no offender convicted of a felony or misdemeanor offense under § 29.1-553 has received an active term of incarceration to serve in the six most recent fiscal years, the proposal is not expected to have an impact on local-responsible (jail) bed space needs.

**Adult community corrections programs.** Because the proposal could result in felony 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.** Felony convictions under § 29.1-553 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.

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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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