

## Department of Planning and Budget 2020 Fiscal Impact Statement

**1. Bill Number:** SB774

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

**2. Patron:**      Chafin

**3. Committee:** Agriculture, Conservation and Natural Resources

**4. Title:**          Big game hunting; guaranteed kills prohibited; penalty.

**5. Summary:**    This bill prohibits offering for sale, selling, offering to purchase, purchasing, or guaranteeing a kill of, or charging a fee for killing, a deer, bear, or wild turkey. A violation is punishable as a Class 1 misdemeanor; when the aggregate of such sales or purchases, or any combination thereof, by any person totals \$500 or more during any 90-day period, such violation is punishable as a Class 6 felony.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary, see item 8.

**8. Fiscal Implications:** It is anticipated that this bill will result in a nominal fiscal impact to the Department of Game and Inland Fisheries (DGIF) associated with enforcement, as there have been 25 offenders charged over the last six fiscal years pursuant to § 29.1-553, Code of Virginia.

A violation of the provisions of this bill would be punishable as a Class 1 misdemeanor. However, when the aggregate of such sales or purchases, or any combination thereof, by any person totals \$500 or more during any 90-day period, such violation is punishable as a Class 6 felony.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. 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. It also funds a large 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.

For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to 12 months in jail, or one to five years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$4.00 a day for each misdemeanor or otherwise local-responsible prisoner held in a jail and \$12.00 a day for each state-responsible prisoner. 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 2019), the estimated total state support for local jails averaged \$34.07 per inmate, per day in FY 2018.

According to Virginia Criminal Sentencing Commission data, the provisions of this bill are not expected to increase the need for state-responsible (prison) beds. Accordingly, pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$0. Virginia Criminal Sentencing Commission data also show that this bill is not expected to have an impact on local-responsible (jail) bed space.

**9. Specific Agency or Political Subdivisions Affected:** Department of Game and Inland Fisheries; Virginia Criminal Sentencing Commission; courts.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.