

Department of Planning and Budget
2021 Special Session I - Fiscal Impact Statement

1. Bill Number: SB1135

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. Patron: Marsden

3. Committee: Passed both Houses.

4. Title: Dangerous dogs; procedure for adjudication; penalty.

5. Summary: Restructures the procedure for adjudication of a dog as a dangerous dog to provide for (i) written notice by an animal control officer to the owner of the dog that he has applied for a summons, and a prohibition on disposal of the dog by the owner for 30 days; (ii) the issuance of a summons with an option rather than a requirement that the officer confine the dog, a prohibition on the disposal of the dog other than by euthanasia, and an authorization for the court to compel the implanting of electronic identification; (iii) the holding of a hearing within 30 days unless good cause is shown; (iv) the authority of the court if deferring further proceedings without adjudicating to compel the implanting of electronic identification; and (v) a limit of 30 days for any appeal of a dangerous dog adjudication.

The bill authorizes an officer to obtain a summons for a hearing to determine whether a dog that has been surrendered is a dangerous dog and provides that any dangerous dog not reclaimed from the animal control officer within 10 days of notice shall be considered abandoned. The owner of a dog found to be dangerous shall maintain the liability insurance coverage or bond in surety as long as he owns the dangerous dog and shall submit a certificate of insurance or evidence of such bond to the animal control officer on an annual basis.

The bill imposes new requirements for the transfer of dangerous dogs, requiring a releasing agency that is transferring or releasing for adoption a dangerous dog in the Commonwealth to notify the receiving party of the legal requirements for keeping a dangerous dog. If the agency is transferring the dog outside the Commonwealth, it is required to notify the appropriate animal control officer of the dog's adjudication as dangerous. An owner who is bringing a dog found to be dangerous in another state to reside in the Commonwealth shall notify the local animal control officer. Any owner who disposes of a dangerous dog by gift, sale, transfer, trade, or surrender shall notify the receiver in writing of the dog's adjudication as dangerous, with a violation penalized as a Class 3 misdemeanor.

Finally, the bill provides that if a dangerous dog adjudication occurred within 60 days of the end of the calendar year, the first renewal of the dangerous dog registration shall be included in the initial registration at no additional charge. The bill contains technical amendments.

6. Budget Amendment Necessary: No. see item 8.

7. Fiscal Impact Estimates: Final.

8. Fiscal Implications: It is anticipated that this bill will result in a fiscal impact to the Department of Health (VDH). The bill instructs each local health department to report to the VDH any exposure report involving a dog bite to a human. While a computer platform managed by the Office of Environmental Health (OEHS) is available for local health department use that includes a rabies module that can be used to capture this information, not all health departments use this system or use it consistently. If all health districts were instructed to use this system in order to fulfill this requirement, it is anticipated that additional data entry will be required and that up to 10 additional users would need access to this system. Currently, the yearly access fee per person is \$640, and the resulting annual costs total \$6,400. VDH can absorb the costs for additional system access within existing resources.

The Department of Agriculture and Consumer Services does not anticipate a fiscal impact as a result of this bill. This bill will likely impact localities, as well as the courts.

This bill moves provisions related to an existing Class 6 felony to a new Code section in Title 18.2. According to the Virginia Criminal Sentencing Commission, because the bill does not expand the applicability of the existing felony, the bill is not expected to have an impact on the state-responsible (prison) bed space needs of the Commonwealth.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.