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SENATE BILL NO. 369

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 15, 2024)

(Patron Prior to Substitute—Senator Ebbin)

A BILL to amend and reenact § 18.2-144 of the Code of Virginia, relating to maiming, killing, or poisoning fowl or companion animals; penalty.

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-144 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-144. Maiming, killing, or poisoning livestock, companion animals, or fowl; penalties.**

Except as otherwise provided for by law, if any person maliciously ~~shoot shoots, stab stabs, wound~~ or wounds, or otherwise ~~cause causes~~ bodily injury to, or ~~administer administers~~ poison to or ~~expose~~ exposes poison with intent that it be taken by, any horse, mule, pony, cattle, swine, or other livestock of another, or any companion animal of another, with intent to maim, disfigure, disable, or kill the same, or if he ~~do does~~ any of the foregoing acts to any such livestock or companion animal of his own with intent to defraud any insurer thereof, he ~~shall be~~ is guilty of a Class 5 felony. If any person ~~do does~~ any of the foregoing acts ~~to any fowl or~~ with any of the aforesaid intents (i) to any companion animal with any of the aforesaid intents unlawfully but not maliciously or (ii) to any fowl, he shall be guilty of a Class 1 misdemeanor; except that any second or subsequent offense shall be a Class 6 felony if the current offense or any previous offense resulted in the death of an animal or the euthanasia of an animal based on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, and such condition was a direct result of a violation of this section.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.