

## Department of Planning and Budget 2024 Session Fiscal Impact Statement

**1. Bill Number:** SB369S2

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

**2. Patron:** Ebbin

**3. Committee:** Finance and Appropriations

**4. Title:** Maiming, killing, or poisoning fowl or companion animals; penalty.

**5. Summary:** Makes it a Class 5 felony for any person to maliciously shoot, stab, or wound, or otherwise cause bodily injury to, or administer poison to or expose poison with intent that it be taken by, any fowl or companion animal of another, or do any of the foregoing acts to any fowl or companion animal of his own with intent to defraud any insurer of such fowl or animal. Under current law, such offenses are punishable as a Class 1 misdemeanor for the first offense and a Class 6 felony for a second or subsequent offense provided certain conditions are met.

**6. Budget Amendment Necessary:** Yes, Item 390, SB30 (Introduced Budget Bill).

**7. Fiscal Impact Estimates:**

**7a. Expenditure Impact:** DOC, Item 390

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2025	\$50,000	0	GF

**8. Fiscal Implications:** This bill increases the potential number of Class 5 felonies committed in the Commonwealth. The authorized punishment for conviction of a Class 5 felony is a term of imprisonment of not less than one year nor more than 10 years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both. 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 \$5.00 a day for each misdemeanor or otherwise local-responsible prisoner held in a jail and \$15.00 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 2023), the estimated total state support for local jails averaged \$45.76 per inmate, per day in FY 2022.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 1, 2023 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

The Virginia Department of Agriculture and Consumer Services does not anticipate any fiscal impact from the passage of this legislation.

- 9. Specific Agency or Political Subdivisions Affected:** Virginia Department of Agriculture and Consumer Services, Department of Corrections, jails, courts, localities, Commonwealth's Attorneys

- 10. Technical Amendment Necessary:** No.

- 11. Other Comments:** None