

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: SB604

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

2. Patron: Stanley

3. Committee: Passed the Senate

4. Title: Animal cruelty; companion animals; penalty.

5. Summary: Clarifies that dogs and cats in the possession of a person who or an entity that breeds dogs or cats for sale or transfer to an animal research facility are considered companion animals for the purposes of animal cruelty statutes. The bill also provides that breeding dogs or cats for sale or transfer to a research facility, or breeding dogs or cats within a research facility, does not constitute bona fide scientific or medical experimentation for purposes of animal cruelty statutes. The bill contains two enactment clauses, one requiring reenactment by the 2023 General Assembly, and requiring an appropriation effectuating the bill's purposes in the appropriation act passed in 2022 by the General Assembly.

6. Budget Amendment Necessary: Yes, Item 404.

7. Fiscal Impact Estimates: Preliminary. See item 8.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2023	\$50,000	GF

8. Fiscal Implications: This bill amends the Code to expand the definition of a companion animal potentially increasing the number of felony violations for certain acts of animal cruelty. 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. It also funds a portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2021), the estimated total state support for local jails averaged \$37.58 per inmate, per day in FY 2020.

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 552 of the Acts of Assembly of 2021, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill. 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. See the attached Virginia Criminal Sentencing Commission statement for more detail.

The Virginia Department of Agriculture and Consumer Services anticipates no impact from passage of this bill.

Additionally, this bill contains two enactment clauses, one requiring reenactment by the 2023 General Assembly, and one requiring an appropriation effectuating the bill's purposes in the appropriation act passed in 2022 by the General Assembly.

- 9. Specific Agency or Political Subdivisions Affected:** Virginia Department of Agriculture and Consumer Services, Department of Corrections, local and region jails, courts, Commonwealth Attorneys, and Public Defenders

10. Technical Amendment Necessary: No.

11. Other Comments: None