

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. **Bill Number:** SB11

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Favola

3. **Committee:** Passed both houses

4. **Title:** Cruelty to animals; possession and ownership of animals.

5. **Summary:** Provides that any person convicted of felony cruelty to animals may be prohibited by the court from possession or ownership of companion or equine animals for life and any person convicted of misdemeanor cruelty to animals may be prohibited by the court from possession or ownership of such animals for a period of up to five years. Under current law, such prohibition is limited to companion animals and a period equal to the statutory maximum period of incarceration. This bill creates an additional Class 1 misdemeanor for violations of prohibitions or restrictions imposed by this section of law and allows the courts to seize and forfeit all animals under the court's order. This bill also allows any person whose rights to possession or ownership of companion or equine animals are prohibited to petition the court for restoration of rights after five years.

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

7. **Fiscal Impact Estimates:** Final. See Item 8.

8. **Fiscal Implications:** The Virginia Department of Agriculture and Consumer Services does not anticipate any fiscal impact from the passage of this legislation. The courts anticipate being able to absorb any increase in workload within current resources. This bill increases the potential number of Class 1 misdemeanors committed in the Commonwealth.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both.

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 localities \$5.00 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 2023), the estimated total state support for local jails averaged \$45.76 per inmate, per day in FY 2022.

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

10. Technical Amendment Necessary: No.

11. Other Comments: This is the companion to HB223.