Department of Planning and Budget 2025 General Assembly Session State Fiscal Impact Statement

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ORIGINAL

Bill Number:HB1768Patron:MartinezBill Title:Possession, sale, transfer, or breeding of nonhuman primates prohibited; penalties.

Bill Summary: Prohibits the possession, sale, transfer, or breeding of nonhuman primates and controls the ownership of such primates already in the Commonwealth. The bill exempts from the prohibition certain institutions, qualified transporters passing through the Commonwealth, those in possession of a state or federal exhibitor's license, and those in lawful possession of a nonhuman primate prior to July 1, 2026, subject to certain conditions. The bill also provides a procedure for the seizure of a primate in certain circumstances. Any violation of the provisions of the bill is a Class 1 misdemeanor or, for a willful act or omission in the care, control, or containment of a nonhuman primate, a Class 6 felony.

Budget Amendment Necessary:YesItems Impacted:Item 390Explanation:See below

Fiscal Summary:

Proposal requires minimum "Woodrum" impact funding per § 30-19.1:4, Code of Virginia, to account for a possible increase in the need for state prison beds due to this legislation.

General Fund Expenditure Impact:

Agency	FY2025	<u>FY2026</u>	<u>FY2027</u>	FY2028	FY2029	<u>FY2030</u>
Dept. of Corrections		\$50,000				
TOTAL		\$50,000				

Fiscal Analysis:

This proposal creates a new Class 1 misdemeanor and a new Class 6 felony. 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. Anyone convicted of a Class 6 felony is subject to a term of imprisonment of not less than one year nor more than five 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

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currently pays the localities \$5.00 a day for each misdemeanant 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 2024), the estimated total state support for local jails averaged \$56.38 per inmate, per day in FY 2023.

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 2, 2024 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

Virginia Department of Agriculture and Consumer Services and Virginia State Police report this proposal would not have a material fiscal impact on their operations. The impact on Courts would be indeterminate because there's no way to know how many cases would be affected

Other: None