



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill 707 (Patron—Diggs)

LD#: 26105207

Date: 01/12/2026

Topic: Devocalization of dogs

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000 *
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Direct Care:**
Cannot be determined, likely negligible**
- **Juvenile Detention Facilities:**
Cannot be determined, likely negligible**

**Provided by the Department of Juvenile Justice

* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, fiscal impact statements prepared by the Virginia Criminal Sentencing Commission only include the estimated increase in operating costs associated with additional state-responsible prison beds and do not reflect any other costs or savings that may be associated with the proposed legislation.

Summary of Proposed Legislation:

The proposal creates § 3.2-6570.2, which prohibits the performance of a surgical devocalization on a dog except when (i) training or electronic barking control devices have proven ineffective for a dog's excessive barking and (ii) it would be necessary for such dog to be rehomed due to its excessive barking. A violation of this section would be punishable as a Class 1 misdemeanor; a second or subsequent conviction for violating this section during a 36-month period would be a Class 6 felony.

The proposal also adds § 54.1-3812.2, which mandates that any licensed veterinarian who performs a surgical devocalization must keep a record of the procedure for a period of four years, subject to an audit during that period.

Analysis:

Individuals convicted of Class 1 misdemeanors under this proposal would likely be sentenced similarly to those convicted of violations pertaining to the unlawful practice of veterinary medicine. Practicing veterinary medicine without a license (§ 54.1-3805) and unlawfully declawing a cat (§ 54.1-3814) are currently punishable as Class 1 misdemeanors. An analysis of fiscal year (FY) 2020 through FY2025 General District Court Case Management System (CMS) data revealed no convictions for these offenses during the 6-year period.

Those convicted of a Class 6 felony under this proposal would likely be sentenced similarly to those convicted of Class 6 felonies under Title 54.1 pertaining to violations of professional obligations, such as

practicing medicine without a license. A review of FY2020 through FY2025 Circuit Court CMS data revealed that 8 offenders were convicted of these Class 6 felonies. In 5 of those cases, the violation of the professional obligation was the primary, or most serious, offense. Of those 5 offenders, 3 received no incarceration, while 2 received a local-responsible (jail) sentence with an average length of 3.3 months.

Impact of Proposed Legislation:

State adult correctional facilities. By creating a new Class 6 felony, the proposed legislation may increase the future state-responsible (prison) bed space needs of the Commonwealth. Existing databases do not provide sufficient detail to estimate the number of defendants who would be affected by the proposal. Therefore, the magnitude of the impact on prison bed space needs cannot be quantified.

Local adult correctional facilities. The proposal also creates a new Class 1 misdemeanor; however, there were no convictions for similar existing offenses during a 6-year period. The impact of the proposal on local-responsible (jail) bed space needs cannot be estimated.

Adult community corrections resources. Because the proposal could result in additional felony convictions with supervision requirements for the offenders, the proposal may affect adult community corrections programs. Since the number of cases that may be affected by the proposal cannot be determined, the potential impact on community corrections resources cannot be quantified.

Virginia's Sentencing Guidelines. Convictions under the proposed § 3.2-6570.2 would not be covered by the Sentencing Guidelines as the primary, or most serious, offense. Such convictions, however, could augment the Guidelines recommendation (as additional offenses) if the most serious offense at sentencing is covered by the Guidelines. For Guidelines purposes, the new Class 6 felony would not be defined as violent (§ 17.1-805(C)). No adjustment to the Guidelines is necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), the proposal is not expected to increase direct care (juvenile correctional center or alternative commitment placement) bed space needs.

Juvenile detention facilities. The Department of Juvenile Justice (DJJ) reports that the proposal will not increase the bed space needs of juvenile detention facilities.

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 725 of the Acts of Assembly of 2025 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.

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