

**Department of Planning and Budget  
2002 Fiscal Impact Statement**

**1. Bill Number** HB951

**House of Origin**     Introduced     Substitute     Engrossed

**Second House**     In Committee     Substitute     Enrolled

**2. Patron** Landes

**3. Committee** Passed both houses

**4. Title** Criminal background checks for employees of gun dealers

**5. Summary/Purpose:**

Currently, a firearms dealer may not employ someone to sell firearms if that person is prohibited from possessing firearms or is an illegal alien. Before employing someone to sell firearms, the dealer must submit the person's fingerprint to the Central Criminal Records Exchange (CCRE) for a national criminal history record background check.

The proposed legislation would provide an alternative process for a dealer to employ someone to sell firearms. Instead of submitting the person's fingerprint to CCRE, the dealer could submit a sworn and notarized affidavit to the Department of State Police stating that he has been subjected to a criminal history record check and that his federal firearms license was issued by the federal Bureau of Alcohol, Tobacco and Firearms (ATF) and including the names of any employees that have been subjected to a fingerprint identification check by the ATF. Anyone making a false statement in the affidavit would be guilty of a Class 5 felony.

**6. Fiscal Impact:** Final. See Item No. 8.

**7. Budget amendment necessary:** None.

**8. Fiscal implications:**

Because the bill would create a new Class 5 felony, it could result in additional persons being incarcerated in state prisons. Due to the lack of data, the Virginia Criminal Sentencing Commission has determined, 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 quantified. Because there have been no recent convictions under the provisions of existing similar and related statutes, however, it is expected that the impact of this legislation would be negligible.

**9. Specific agency or political subdivisions affected:** Department of Corrections

**10. Technical amendment necessary:** None.

**11. Other comments:** None.

**Date:** 03/27 /02rwh

**Document:** G:\LEGIS\Fis-02\HB951ER.DOC DickHall -Sizemore  
cc:Secretary of Public Safety