

Department of Planning and Budget

2007 Fiscal Impact Statement

1. Bill Number HB 2653

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron Lingamfelter

3. Committee Passed both houses

4. Title Illegal conveyance of firearms

5. Summary/Purpose:

Currently, a person wishing to purchase a firearm must submit to a criminal history check. It is a Class 5 felony to intentionally make a false statement on the criminal history consent form. It is also a Class 5 felony to purchase a firearm to resell or transfer to a person who is ineligible to buy a firearm.

The enrolled bill would add to the restrictions on conveying firearms by making it a Class 6 felony to solicit, encourage, or entice any firearms dealer to transfer or otherwise convey a firearm to anyone other than the actual buyer. The restriction would not apply to law-enforcement officers in the performance of their official duties.

6. Fiscal Impact: Final. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 5 years in prison. 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 how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail, \$8.00 a day for each state responsible inmate held for sixty days or less, and \$14.00 a day for each state responsible inmate held for more than sixty days. It also funds most 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 (FY 2005), the estimated total state support for local jails averaged \$28.35 per inmate, per day in FY 2005.

The Virginia Criminal Sentencing Commission was unable to determine the impact of this proposal on state-responsible (prison) bed space pursuant to §30-19.1:4 of the Code of Virginia because the proposal would criminalize behavior that is not currently defined as a criminal act, and data on such activity does not exist. Consequently, the number of individuals who could be affected by the proposal is unknown.

9. Specific agency or political subdivisions affected:

Department of Corrections
Local and regional jails

10. Technical amendment necessary: None.

11. Other comments: None.

Date: 03/03/2007 / rwh

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