

Department of Planning and Budget

2007 Fiscal Impact Statement

1. Bill Number **HB 169**

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron Albo

3. Committee Militia, Police, and Public Safety

4. Title Concealed weapons

5. Summary/Purpose:

Current law prohibits certain specified weapons to be carried concealed on one's person. Carrying a concealed weapon is a Class 1 misdemeanor for the first offense, a Class 6 felony for the second offense, and a Class 5 felony for a third or subsequent offense. In addition, a convicted felon who carries a concealed weapon would be guilty of a Class 6 felony.

The proposed legislation would add box cutters to the list of weapons that cannot be carried in a concealed manner.

6. Fiscal Impact: Indeterminate. See Item 8.

7. Budget amendment necessary: No.

8. Fiscal implications:

For someone convicted of a Class 1 misdemeanor, the judge could sentence him for up to 12 months in jail. 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; for a Class 5 felony, the sentencing options are 1-12 months in jail or 1 to 10 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 misdemeanant 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 (November 2007), the estimated total state support for local jails averaged \$28.42 per inmate, per day in FY 2006.

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 determined.

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

10. Technical amendment necessary: No.

11. Other comments: None.

Date: {1/28/2008} rwh

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