

Department of Planning and Budget

2008 Fiscal Impact Statement

1. Bill Number **SB 222**

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron McDougale

3. Committee Passed both houses

4. Title **Possession of firearms by felons**

5. Summary/Purpose:

Current law prohibits possession of a firearm by anyone convicted of a felony and anyone convicted as a juvenile, on or after July 1, 2005 and who was 14 years old or older at the time, of the following offenses: murder, armed robbery, kidnapping, or rape. Violation of the prohibition is a Class 6 felony. The law imposes a minimum mandatory sentence of five years if the conviction is for a violent felony and a two-year minimum mandatory sentence if the offender has been convicted of a nonviolent felony within the previous 10 years.

The proposed legislation would remove the restriction that the juvenile conviction shall have occurred after July 1, 2005. Therefore, anyone with a conviction as a juvenile of the specified offenses would be prohibited from possessing or transporting a firearm.

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 (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
Local and regional jails

10. Technical amendment necessary: None.

11. Other comments: None.

Date: {3/10/2008} rwh

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