

## Department of Planning and Budget 2009 Fiscal Impact Statement

**1. Bill Number:** SB1035

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

**2. Patron:**        Hanger

**3. Committee:** Militia, Police and Public Safety

**4. Title:**         **Concealed handguns; restaurants; penalty.**

**5. Summary:** Prohibits a person who carries a concealed handgun onto the premises of a restaurant or club from consuming an alcoholic beverage while on the premises. A person who carries a concealed handgun onto the premises of a restaurant or club shall inform an authorized alcohol beverage control manager of the restaurant or club of that fact. A person who fails to notify the beverage control manager is guilty of a Class 3 misdemeanor (up to a \$500 fine); a person that consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor (up to six months in jail and/or up to a \$1,000 fine); and a person who becomes intoxicated in violation of the provisions of the bill is guilty of a Class 1 misdemeanor (up to 12 months in jail and/or up to a \$2,500 fine).

**6. Fiscal Impact Estimates:** *Indeterminate.*

**7. Budget Amendment Necessary:** No.

**8. Fiscal Implications:** Although insufficient data exists to determine the fiscal impact due to the legislation at this time, the legislation could result in an increase in the jail population since a Class 1 misdemeanor can result in a sentence of up to 12 months in jail (and \$2,500 fine) and a Class 2 misdemeanor can result in a sentence of up to 6 months in jail (and \$1,000 fine). 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. 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 FY2007 Jail Cost Report (November 1, 2008), the estimated total state support for local jails averaged \$28.77 per inmate, per day in FY 2007.

**9. Specific Agency or Political Subdivisions Affected:** Local and regional jails, State Compensation Board, law enforcement agencies statewide, general district courts.

**10. Technical Amendment Necessary:** No

**11. Other Comments:** Similar to HB 1821.

**Date:** 2/12/2009    dpb/jgc

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cc: Department of State Police  
Compensation Board