

Department of Planning and Budget 2010 Fiscal Impact Statement

1. Bill Number: SB595

House of Origin X Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Lucas

3. Committee: Courts of Justice

4. Title: Transfer of firearms; criminal records check; penalties.

5. Summary: Adds a definition of “firearms show vendor” and requires that a criminal background check be performed on the prospective transferee, if such transferee does not possess a concealed handgun permit, before the vendor may transfer firearms at a gun show. Under current law, only licensed dealers must obtain such a check. The bill also adds a definition of “promoter” and requires that the promoter of a gun show provide vendors with access to licensed dealers who will conduct the criminal background check.

6. Fiscal Impact Estimates: Preliminary; See Item 8 below.

7. Budget Amendment Necessary: No.

8. Fiscal Implications: According to the Department of State Police, the proposed legislation is not expected to have a fiscal impact on the agency.

However, according to the Virginia Criminal Sentencing Commission, by adding new felony offenses, the proposal may increase the future state responsible bed space needs. Since the number of additional convictions due to the proposal cannot be determined, the impact on bed space cannot be determined. Therefore, per Chapter 781 of the 2009 Acts of Assembly, a minimum fiscal impact of \$50,000 is required. The Sentencing Commission further states that the Department of Juvenile Justice does not expect an increase in juvenile correctional center or juvenile detention facility bed space needs.

Finally, the Commission states that although the magnitude cannot be determined, there could be an impact on local responsible bed space (Class 2 misdemeanor has a penalty of up to six months in jail and a \$1,000 fine). Any increase in jail population will increase costs to the state. The Commonwealth presently 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 FY2008 Jail Cost Report (November 1, 2009), the estimated total state support for local and regional jails averaged \$32.66 per state inmate, per day in FY 2008.

9. Specific Agency or Political Subdivisions Affected: Departments of State Police and Juvenile Justice, local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 2/8/2010 dpb/John Crooks

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