

Department of Planning and Budget

2014 Fiscal Impact Statement

1. Bill Number: HB827

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Minchew

3. Committee: Courts of Justice

4. Title: Emergency custody orders; temporary firearms restriction orders.

5. Summary: Provides that a temporary firearms restriction order shall be issued by a magistrate who issues an emergency custody order. A person subject to a temporary firearms restriction order who purchases, possesses, or transports a firearm while the order is in effect is guilty of a Class 1 misdemeanor. The duration of a temporary firearms restriction order may not exceed 90 days. A person who is subject to a temporary firearms restriction order, at any time prior to the expiration of such order, petition the general district court in the county or city in which he resides to restore his right to purchase, possess, or transport a firearm.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: According to the Virginia Criminal Sentencing Commission, the proposal is not expected to have an impact on state responsible (prison) bed space needs. However, the proposal could result in additional convictions and subsequent local and/or state community supervision services. This potential impact on community corrections resources cannot be quantified. The Commission does expect the proposal to impact local adult bed needs since a new Class 1 misdemeanor offense is created, but the magnitude of the impact cannot be determined. Lastly, the Commission states that the proposal is not expected to increase the bed space needs of juvenile correctional centers and juvenile detention facilities.

Although insufficient data exists to determine the fiscal impact due to this proposal, the proposed legislation could result in an increase in the jail population since Class 1 misdemeanor outcomes result in sentences of up to 12 months in jail (and a fine up to \$2,500). Any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities \$4.00 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 FY2012 Jail Cost

Report (November 1, 2013), the estimated total state support for local and regional jails averaged \$30.06 per state inmate, per day in FY 2012.

The Virginia State Police state this proposal will not have a fiscal impact on the department.

According to the Virginia Supreme Court, this proposal could result in the filing of approximately 30 additional petitions for restoration of gun rights per year in general district courts statewide and presumably an additional 30 hearings on those petitions. Given this relatively small number of hearings statewide, the Court stated that the courts could accommodate the additional judge and clerk time (as well as courtroom time, file space etc.) using existing resources.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, local community corrections agencies, general district courts statewide, State Compensation Board.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: January 30, 2014

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