



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 65
Amendment in the Nature of a Substitute
(Patron Prior to Substitute – Marsh)

LD#: 14105217

Date: 2/25/2014

Topic: Reckless handling of firearms

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000 *
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Correctional Centers:**
Cannot be determined
- **Juvenile Detention Facilities:**
Cannot be determined

* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the 2013 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

Currently, under § 18.2-56.1, any person who recklessly handles any firearm so as to endanger the life, limb or property of any person is guilty of a Class 1 misdemeanor. Under the proposal, any person who handles a firearm in a manner so gross, wanton, and culpable as to show a reckless disregard for human life and causes the serious bodily injury of another resulting in permanent and significant physical impairment would be guilty of a Class 6 felony.

The proposal shares some similarities with § 18.2-280(A), which increases the penalty for discharging a firearm in any street in a city or town or in any place of public business or public gathering if the conduct results in bodily injury to another person. While § 18.2-280 does not require that the firearm be handled recklessly, it is only applicable if the offense occurs in a street in a city or town or in any place of public business or public gathering.

Analysis:

According to the General District Court Case Management System (CMS)¹ for fiscal year (FY) 2012 and FY2013, 454 offenders were convicted of a Class 1 misdemeanor under § 18.2-56.1(A) for reckless handling of a firearm. Approximately 35% of these offenders were sentenced to a local-responsible (jail) term, for which the median sentence was one month. The remaining 65% did not receive an active term of incarceration to serve after sentencing.

Existing data do not contain sufficient detail to determine the number of cases that would be affected by the proposal.

¹ Formerly referred to as the Court Automated Information System (CAIS).

Impact of Proposed Legislation:

State adult correctional facilities. By creating a new felony offense, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, existing data do not provide sufficient detail to estimate the number of new felony convictions that could result from enactment of the proposal. Therefore, the impact on prison bed space needs cannot be determined.

Local adult correctional facilities. Similarly, the proposal may increase local-responsible (jail) bed space needs; however, the magnitude of the impact cannot be determined.

Adult community corrections programs. Because the proposal could result in felony convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for adult community corrections resources. Since the number of cases that may be affected cannot be determined, the potential impact on community corrections resources cannot be quantified.

Virginia's sentencing guidelines. Convictions under § 18.2-56.1 are not covered by the sentencing guidelines as the primary, or most serious, offense. Such a conviction, however, could augment the guidelines recommendation if the most serious offense at sentencing is covered by the guidelines. No adjustment to the guidelines is necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), the impact of the proposal on juvenile correctional center (JCC) bed space needs cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal's impact on the bed space needs of juvenile detention facilities cannot be determined.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the 2013 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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