

Department of Planning and Budget 2015 Fiscal Impact Statement

1. Bill Number: HB1604

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

2. Patron: Plum

3. Committee: Militia, Police and Public Safety

4. Title: Transfer of firearms; criminal history record information check; penalties.

5. Summary: The proposed legislation adds a definition of "firearms show vendor" or "vendor" and requires that a criminal history record information check be performed on the prospective transferee before the vendor may transfer firearms at a gun show. Under current law, only licensed dealers must obtain such a check. The bill also requires that the promoter of a firearms show provide vendors access to licensed dealers who will conduct the criminal history record information check.

6. Budget Amendment Necessary: No. The introduced budget includes appropriation for the fiscal impact of this legislation.

7. Fiscal Impact Estimates: Final. See Item 7a and 8.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2015	0	0.0	General Fund
2016	50,000	0.0	General Fund
2017	0	0.0	General Fund
2018	0	0.0	General Fund
2019	0	0.0	General Fund
2020	0	0.0	General Fund

8. Fiscal Implications: Under the proposed legislation, gun show vendors would be required to obtain verification from a licensed firearm dealer that a perspective buyer is not prohibited from possessing a firearm under state or federal law. Additionally, it defines the terms "firearms show vendor" and "promoter." Under these new definitions, firearms show vendor includes all persons selling or trading firearms, regardless of whether they have arranged with a promoter to have an exhibit space.

The penalties for firearms show vendors and buyers would parallel existing penalties for licensed dealers and buyers. For someone convicted of a Class 5 felony (making false statement on a consent form required to purchase a firearm, or related federal firearm transaction), a judge has the option of sentencing the person to as much as one year in jail, or 1 to 10 years in prison. For

someone convicted of a Class 6 felony (willfully and intentionally selling, renting, trading, or transferring a firearm in violation of the provision), a judge has the option of sentencing him to as much as 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.

Ultimately, the presiding judge will decide if there is to be any time served in jail; however, any increase in jail population will increase costs to the state.

The Commonwealth presently pays the localities \$4.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail. It also funds a significant portion 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 FY2013 Jail Cost Report (November 1, 2014), the estimated total state support for local and regional jails averaged \$30.54 per state inmate, per day in FY2013.

According to the Virginia Criminal Sentencing Commission's fiscal impact statement for the proposed legislation, the impact of the legislation on state-responsible (prison) space cannot be determined. In such cases, Chapter 3 of the 2014 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

The proposal may also result in fiscal impact on the Department of State Police, however, at this time, the exact impact is not quantifiable as it would depend on additional background checks and research to be performed by the Department.

9. Specific Agency or Political Subdivisions Affected: Compensation Board, Department of Corrections, Department of State Police, and regional and local jails.

10. Technical Amendment Necessary: None.

11. Other Comments: Similar to SB993.

Date: 1/22/2015-HB1604.DOC (LAJ)