



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 2029 (Patron – Wilt)

LD#: 15103116

Date: 1/6/2015

Topic: Firearm transfers

#### Fiscal Impact Summary:

- **State Adult Correctional Facilities:**  
None (\$0)
- **Local Adult Correctional Facilities:**  
None (\$0)
- **Adult Community Corrections Programs:**  
None (\$0)

- **Juvenile Correctional Centers:**  
None (\$0)\*
- **Juvenile Detention Facilities:**  
None (\$0)\*

\* Provided by the Department of Juvenile Justice

#### Summary of Proposed Legislation:

The proposal amends § 18.2-308.2:2 of the *Code of Virginia*, relating to the purchase and sale of firearms. Currently, § 18.2-308.2:2 requires that all individuals purchasing a firearm from a dealer provide written consent to have the dealer obtain criminal history record information and present a form of government-issued photo identification, along with other documents. Prior to selling, renting, transferring, etc., a firearm, the dealer must first receive a report from the Department of State Police that the person is not prohibited from possessing or transporting a firearm under state or federal law. Under the proposal, these procedures could be bypassed if the prospective purchaser presents the dealer with a valid concealed handgun permit and a form of government-issued photo identification.

Additionally, the proposal specifies that, when an application for a concealed handgun permit is made, the Virginia State Police must initiate a search of the National Instant Criminal Background Check System for purposes of obtaining criminal history record information regarding the applicant. The State Police would be required to periodically perform a national criminal history check for each concealed handgun permit holder.

Subsection L of § 18.2-308.2:2 makes it a Class 6 felony for any firearms dealer to willfully and intentionally sell, rent, trade, or transfer a firearm in violation of this section. Under § 18.2-308.2:2(K), making a materially false statement on a consent form that is required to purchase a firearm from a licensed dealer is a Class 5 felony. Pursuant to § 18.2-308.02(C), individuals who make a materially false statement in an application for a concealed handgun permit may be prosecuted for perjury, which is punishable as a Class 5 felony under § 18.2-434.

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**Analysis:**

According to the Circuit Court Case Management System (CMS) for fiscal year (FY) 2009 through FY2014, no firearms dealers were convicted of a Class 6 felony under § 18.2-308.2:2(L) for selling or transferring a firearm in violation of § 18.2-308.2:2.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** Since the proposal allows for a simplified process for transferring firearms under certain circumstances and because there were no convictions under § 18.2-308.2:2(L) relating to dealers selling or transferring firearms in violation of § 18.2-308.2:2 during a recent six-year period, the proposal is not expected to increase state-responsible (prison) bed space needs of the Commonwealth.

**Local adult correctional facilities.** Similarly, the proposal is not expected to increase local-responsible (jail) bed space needs.

**Adult community corrections programs.** The proposal is not expected to increase the need for adult community corrections resources.

**Virginia's sentencing guidelines.** Felony violations of § 18.2-308.2:2(K), making a false statement on a consent form, are covered by the sentencing guidelines when this crime is the primary (most serious) offense. Felony convictions under § 18.2-308.2:2(L) are not covered by the sentencing guidelines as the primary offense; however, such a conviction may augment the guidelines recommendation if the most serious offense at sentencing is covered by the guidelines. No adjustment to the guidelines would be necessary under the proposal.

**Juvenile correctional centers.** According to the Department of Juvenile Justice, the proposal is not expected to increase juvenile correctional center bed space needs.

**Juvenile detention facilities.** The Department of Juvenile Justice reports that the proposal is not expected to increase the bed space needs of juvenile detention facilities.

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**Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

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