



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2029

Amendment in the Nature of a Substitute (Patron Prior to Substitute – Wilt)

LD#: 15104235

Date: 2/11/2015

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.

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.

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.

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.

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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