

Department of Planning and Budget 2014 Fiscal Impact Statement

1. Bill Number: HB 2359

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: Simon

3. Committee: Militia, Police and Public Safety

4. Title: Concealed handgun permits

5. Summary:

Current law requires any applicant for a concealed handgun permit to demonstrate competence with a handgun and sets out several optional means of demonstrating competence. Although concealed handgun permits must be renewed every five years, the initial proof of competence does not expire.

The proposed legislation would provide that, with one exception, a demonstration of competence would expire five years after the date of the completion of the course or class. The exception would be evidence of current military service or an honorable discharge from any branch of the armed services.

The legislation would also make change in the list of acceptable means of demonstrating competence, as follows:

1. Eliminates the following as acceptable demonstration of competence:
 - a. Completion of a hunter education course or safety course approved by the Department of Game and Inland Fisheries;
 - b. Completion of any law enforcement firearms safety or training course offered for security guards, etc.; and
 - c. Obtaining or having previously held a license to carry a firearm in the Commonwealth or a locality.
2. Narrows the completion of a firearms course as demonstration of competence. Currently, the law allows use of any firearms safety or training course that was open to the public and used instructors certified by the National Rifle Association or the Department of Criminal Justice Services. The proposed bill would allow only any training course offered by the Department of Criminal Justice Services that focused on the use and handling of concealed handguns, as well as met other criteria.

6. Budget Amendment Necessary: Yes. See Item 385.

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

Expenditure Impact:

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

8. Fiscal Implications:

Current law provides that making a false statement in the application for a concealed handgun permit constitutes perjury. Because the bill would make persons with a concealed handgun permit to submit proof of demonstrated competence every five years, it would increase the circumstances in which any individual may make a false statement and, thereby commit perjury. Perjury is a Class 5 felony, punishable by a sentence of up to 12 months in jail or 1 to 10 years in prison. Therefore, the legislation could result in an increase in the number of people sentenced to jail or prison.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. 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 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 most recent Jail Cost Report (November 2014), the estimated total state support for local jails averaged \$30.54 per inmate, per day in FY 2013.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed 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.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections
Department of Criminal Justice Services
Local and regional jails.

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/2/2015

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