

Department of Planning and Budget 2015 Fiscal Impact Statement

1. Bill Number: HB2370

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

2. Patron: Toscano

3. Committee: Militia, Police and Public Safety

4. Title: Transfer of firearms at gun shows; voluntary background check; penalties.

5. Summary: Transfer of firearms at gun shows; voluntary background check; penalties. The bill requires the Department of State Police to be available to perform background checks for non-dealer sales at gun shows if requested by a party involved in a transaction. The promoter of the firearms show shall furnish the Department of State Police sufficient facilities to perform the background checks. In order for the bill to become effective, the U.S. Department of Justice must approve the policies and procedures that the Department of State Police will use to implement the provisions of the bill.

6. Budget Amendment Necessary: Yes. Item 385.

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, any party to a firearm transaction at a firearms show would have the option to ask the Department of State Police (Department) to determine if a prospective purchaser or transferee is prohibited from possessing a firearm. This determination would be made in accordance with the procedures set out in § 18.2-308.2:2.

Currently, under § 18.2-308.2:2, 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 the

person 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 SB1441.

Date: 1/29/2015-HB2370.DOC (LAJ)