

Department of Planning and Budget 2015 Fiscal Impact Statement

1. Bill Number: SB 909

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: Howell

3. Committee: Senate Courts of Justice

4. Title: Protective orders; possession of firearms

5. Summary:

Under current law, any person subject to a protective order is prohibited from purchasing or transporting a firearm. Also, such person is prohibited from obtaining a concealed handgun permit. The proposed legislation would expand the prohibition to include possessing a firearm. In addition, the legislation would prohibit a person subject to a protective order and thus prohibited from purchasing, possessing, or transporting firearms from working as a seller of firearms.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications:

The offenses that would be expanded are Class 1 misdemeanors and a third or subsequent conviction is punishable as a Class 6 felony.

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.

Although there is the possibility of a prison sentence of one to five years for a Class 6 felony, the Virginia Criminal Sentencing Commission, in accordance with § 30-19.1:4, Code of Virginia, has determined that the proposed legislation is not expected to have an impact on the state-responsible bed space needs of the Commonwealth over the next six years.

9. Specific Agency or Political Subdivisions Affected:

Local and regional jails
Compensation Board

10. Technical Amendment Necessary: None.

11. Other Comments: Identical to HB 2045.

Date: 1/26/2015

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