

Department of Planning and Budget 2015 Fiscal Impact Statement

1. Bill Number: SB 943

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

2. Patron: Favola

3. Committee: Senate Courts of Justice

4. Title: Possession of firearms by offenders

5. Summary:

The proposed legislation would prohibit the purchase, possession, or transport of any firearm by anyone convicted of a misdemeanor for the following:

- Stalking
- Sexual battery
- Assault and battery of a family or household member
- Brandishing a firearm
- Two or more convictions of assault and battery

The new offense would be a Class 1 misdemeanor.

The proposed legislation would also expand the applicability of several existing felony firearms offenses to include offenders that would be prohibited by the proposed legislation from purchasing, possessing, or transporting firearms.

6. Budget Amendment Necessary: Yes. Item 385.

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

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2016	\$50,000	General
2017	\$0	
2018	\$0	
2019	\$0	
2020	\$0	
2021	\$0	

8. Fiscal Implications:

The proposed legislation would create a new misdemeanor offense. In addition, it would expand the applicability of several existing felony offenses. Finally, existing § 18.2-311.2 provides that a third or subsequent conviction of a firearms offense, such as the proposed new misdemeanor, constitutes a Class 6 felony.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to 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.

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 and \$12.00 a day for each state responsible inmate. It also funds a considerable 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 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
Local and regional jails

10. Technical Amendment Necessary: None.

11. Other Comments: Identical to HB 2085.

Date: 1/26/2015

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