

16100802D

SENATE BILL NO. 300

Offered January 13, 2016

Prefiled January 8, 2016

A BILL to amend and reenact §§ 18.2-308, as it is currently effective and as it shall become effective, and 18.2-308.09 of the Code of Virginia; to amend the Code of Virginia by adding in Article 4 of Chapter 7 of Title 18.2 a section numbered 18.2-287.5; and to repeal § 18.2-308.012 of the Code of Virginia, relating to carrying loaded firearms in public while under the influence and consuming alcohol while carrying a loaded firearm; penalties.

Patron—Ebbin

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308, as it is currently effective and as it shall become effective, and 18.2-308.09 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 4 of Chapter 7 of Title 18.2 a section numbered 18.2-287.5 as follows:

§ 18.2-287.5. *Carrying a loaded firearm while under the influence of alcohol or illegal drugs and consuming alcohol while carrying a loaded firearm; penalty.*

A. A person who is under the influence of alcohol or illegal drugs while carrying a loaded firearm on or about his person in a public place is guilty of a Class 1 misdemeanor. Conviction of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the person is "under the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1, maiming in violation of § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public intoxication in violation of § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. A person convicted of a violation of this subsection shall be ineligible to apply for a concealed handgun permit for a period of five years.

B. A person who carries a loaded firearm on or about his person onto the premises of any restaurant or club as defined in § 4.1-400 for which a license to sell and serve alcoholic beverages for on-premises consumption has been granted by the Virginia Alcoholic Beverage Control Board under Title 4.1 and consumes an alcoholic beverage while on the premises is guilty of a Class 2 misdemeanor.

The provisions of this subsection shall not apply to law-enforcement officers or military personnel in the performance of their official duties.

§ 18.2-308. (Effective until July 1, 2018) Carrying concealed weapons; exceptions; penalty.

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § ~~18.2-308.012~~ 18.2-287.5, this section shall not apply to:

1. Any person while in his own place of business;

2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the Commonwealth;

3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;

4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;

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59 5. Any person carrying such weapons between his place of abode and a place of purchase or repair,
60 provided the weapons are unloaded and securely wrapped while being transported;

61 6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland
62 Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from
63 those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be
64 construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;

65 7. Any State Police officer retired from the Department of State Police, any officer retired from the
66 Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control
67 officer retired from a police department or sheriff's office within the Commonwealth, any special agent
68 retired from the State Corporation Commission or the Alcoholic Beverage Control Board, any
69 conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia
70 Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources
71 Commission, any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 retired
72 from a campus police department, any retired member of the enforcement division of the Department of
73 Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of
74 the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related
75 disability; (ii) following at least 15 years of service with any such law-enforcement agency, board or any
76 combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such
77 law-enforcement agency or board due to a service-related injury, provided such officer carries with him
78 written proof of consultation with and favorable review of the need to carry a concealed handgun issued
79 by the chief law-enforcement officer of the last such agency from which the officer retired or the agency
80 that employs the officer or, in the case of special agents, issued by the State Corporation Commission or
81 the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall
82 be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia
83 Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such
84 written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An
85 officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun
86 shall surrender such proof of consultation upon return to work or upon termination of employment with
87 the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State
88 Police for entry into the Virginia Criminal Information Network. However, if such officer retires on
89 disability because of the service-related injury, and would be eligible under clause (i) for written proof
90 of consultation to carry a concealed handgun, he may retain the previously issued written proof of
91 consultation. A retired law-enforcement officer who receives proof of consultation and favorable review
92 pursuant to this subdivision is authorized to carry a concealed handgun in the same manner as a
93 law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2;

94 7a. Any person who is eligible for retirement with at least 20 years of service with a
95 law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from
96 such law-enforcement agency or board to accept a position covered by a retirement system that is
97 authorized under Title 51.1, provided such person carries with him written proof of consultation with
98 and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement
99 officer of the agency from which he resigned or, in the case of special agents, issued by the State
100 Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation
101 and favorable review shall be forwarded by the chief, Board or Commission to the Department of State
102 Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall
103 not without cause withhold such written proof if the law-enforcement officer otherwise meets the
104 requirements of this section.

105 For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the
106 privilege to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the
107 proof of consultation and favorable review required, shall be deemed to have been issued a concealed
108 handgun permit.

109 For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired
110 or resigned law-enforcement officer who receives proof of consultation and review pursuant to
111 subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or
112 resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is
113 required of active law-enforcement officers in the Commonwealth. If such retired or resigned
114 law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer
115 shall issue the retired or resigned officer certification, valid one year from the date of issuance,
116 indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

117 8. Any State Police officer who is a member of the organized reserve forces of any of the armed
118 services of the United States or National Guard, while such officer is called to active military duty,
119 provided such officer carries with him written proof of consultation with and favorable review of the
120 need to carry a concealed handgun issued by the Superintendent of State Police. The proof of

consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit;

9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

10. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel; and

11. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported.

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;

2. Officers or guards of any state correctional institution;

3. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for the Commonwealth may carry a concealed handgun pursuant to subdivision C 9. However, the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and

5. Harbormaster of the City of Hopewell.

§ 18.2-308. (Effective July 1, 2018) Carrying concealed weapons; exceptions; penalty. 18.2-308

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § ~~18.2-308.012~~ 18.2-287.5, this section shall not apply to:

1. Any person while in his own place of business;

2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the Commonwealth;

3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;

4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;

5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;

6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;

182 7. Any State Police officer retired from the Department of State Police, any officer retired from the
183 Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control
184 officer retired from a police department or sheriff's office within the Commonwealth, any special agent
185 retired from the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority,
186 any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia
187 Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources
188 Commission, any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 retired
189 from a campus police department, any retired member of the enforcement division of the Department of
190 Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of
191 the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related
192 disability; (ii) following at least 15 years of service with any such law-enforcement agency, board or any
193 combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such
194 law-enforcement agency or board due to a service-related injury, provided such officer carries with him
195 written proof of consultation with and favorable review of the need to carry a concealed handgun issued
196 by the chief law-enforcement officer of the last such agency from which the officer retired or the agency
197 that employs the officer or, in the case of special agents, issued by the State Corporation Commission or
198 the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable
199 review shall be forwarded by the chief or the Board to the Department of State Police for entry into the
200 Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause
201 withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of
202 this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a
203 concealed handgun shall surrender such proof of consultation upon return to work or upon termination
204 of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the
205 Department of State Police for entry into the Virginia Criminal Information Network. However, if such
206 officer retires on disability because of the service-related injury, and would be eligible under clause (i)
207 for written proof of consultation to carry a concealed handgun, he may retain the previously issued
208 written proof of consultation. A retired law-enforcement officer who receives proof of consultation and
209 favorable review pursuant to this subdivision is authorized to carry a concealed handgun in the same
210 manner as a law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2;

211 7a. Any person who is eligible for retirement with at least 20 years of service with a
212 law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from
213 such law-enforcement agency or board to accept a position covered by a retirement system that is
214 authorized under Title 51.1, provided such person carries with him written proof of consultation with
215 and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement
216 officer of the agency from which he resigned or, in the case of special agents, issued by the State
217 Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of
218 consultation and favorable review shall be forwarded by the chief, Board or Commission to the
219 Department of State Police for entry into the Virginia Criminal Information Network. The chief
220 law-enforcement officer shall not without cause withhold such written proof if the law-enforcement
221 officer otherwise meets the requirements of this section.

222 For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the
223 privilege to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the
224 proof of consultation and favorable review required, shall be deemed to have been issued a concealed
225 handgun permit.

226 For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired
227 or resigned law-enforcement officer who receives proof of consultation and review pursuant to
228 subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or
229 resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is
230 required of active law-enforcement officers in the Commonwealth. If such retired or resigned
231 law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer
232 shall issue the retired or resigned officer certification, valid one year from the date of issuance,
233 indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

234 8. Any State Police officer who is a member of the organized reserve forces of any of the armed
235 services of the United States or National Guard, while such officer is called to active military duty,
236 provided such officer carries with him written proof of consultation with and favorable review of the
237 need to carry a concealed handgun issued by the Superintendent of State Police. The proof of
238 consultation and favorable review shall be valid as long as the officer is on active military duty and
239 shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of
240 consultation and favorable review shall be entered into the Virginia Criminal Information Network. The
241 Superintendent of State Police shall not without cause withhold such written proof if the officer is in
242 good standing and is qualified to carry a weapon while on active law-enforcement duty.

243 For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the

privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit;

9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

10. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel; and

11. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported.

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;

2. Officers or guards of any state correctional institution;

3. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for the Commonwealth may carry a concealed handgun pursuant to subdivision C 9. However, the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and

5. Harbormaster of the City of Hopewell.

§ 18.2-308.09. Disqualifications for a concealed handgun permit.

The following persons shall be deemed disqualified from obtaining a permit:

1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, or 18.2-308.1:3 or the substantially similar law of any other state or of the United States.

2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before the date of his application for a concealed handgun permit.

3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose competency or capacity was restored pursuant to § 64.2-2012 less than five years before the date of his application for a concealed handgun permit.

4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released from commitment less than five years before the date of this application for a concealed handgun permit.

5. An individual who is subject to a restraining order, or to a protective order and prohibited by § 18.2-308.1:4 from purchasing or transporting a firearm.

6. An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except that a permit may be obtained in accordance with subsection C of that section.

7. An individual who has been convicted of two or more misdemeanors within the five-year period immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1. Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this disqualification.

8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, synthetic cannabinoids, or any controlled substance.

9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other state, the District of Columbia, the United States, or its territories within the three-year period immediately preceding the application, or who is a habitual drunkard as determined pursuant to § 4.1-333.

10. An alien other than an alien lawfully admitted for permanent residence in the United States.

11. An individual who has been discharged from the armed forces of the United States under dishonorable conditions.

12. An individual who is a fugitive from justice.

13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief of police, or attorney for the Commonwealth may submit to the court a sworn, written statement indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief

305 of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such
306 individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the
307 specific acts, or upon a written statement made under oath before a notary public of a competent person
308 having personal knowledge of the specific acts.

309 14. An individual who has been convicted of any assault, assault and battery, sexual battery,
310 discharging of a firearm in violation of § 18.2-280 or 18.2-286.1 or brandishing of a firearm in violation
311 of § 18.2-282 within the three-year period immediately preceding the application.

312 15. An individual who has been convicted of stalking.

313 16. An individual whose previous convictions or adjudications of delinquency were based on an
314 offense that would have been at the time of conviction a felony if committed by an adult under the laws
315 of any state, the District of Columbia, the United States or its territories. For purposes of this
316 disqualifier, only convictions occurring within 16 years following the later of the date of (i) the
317 conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or
318 adjudication shall be deemed to be "previous convictions."

319 17. An individual who has a felony charge pending or a charge pending for an offense listed in
320 subdivision 14 or 15.

321 18. An individual who has received mental health treatment or substance abuse treatment in a
322 residential setting within five years prior to the date of his application for a concealed handgun permit.

323 19. An individual not otherwise ineligible pursuant to this article, who, within the three-year period
324 immediately preceding the application for the permit, was found guilty of any criminal offense set forth
325 in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or of a criminal offense of illegal possession
326 or distribution of marijuana, synthetic cannabinoids, or any controlled substance, under the laws of any
327 state, the District of Columbia, or the United States or its territories.

328 20. An individual, not otherwise ineligible pursuant to this article, with respect to whom, within the
329 three-year period immediately preceding the application, upon a charge of any criminal offense set forth
330 in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or upon a charge of illegal possession or
331 distribution of marijuana, synthetic cannabinoids, or any controlled substance under the laws of any
332 state, the District of Columbia, or the United States or its territories, the trial court found that the facts
333 of the case were sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the
334 substantially similar law of any other state, the District of Columbia, or the United States or its
335 territories.

336 21. *An individual who has been convicted of a violation of § 18.2-287.5 within the five-year period*
337 *immediately preceding the application.*

338 **2. That § 18.2-308.012 of the Code of Virginia is repealed.**

339 **3. That the provisions of this act may result in a net increase in periods of imprisonment or**
340 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
341 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
342 **665 of the Acts of Assembly of 2015 requires the Virginia Criminal Sentencing Commission to**
343 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**
344 **necessary appropriation cannot be determined for periods of commitment to the custody of the**
345 **Department of Juvenile Justice.**