

Department of Planning and Budget 2016 Fiscal Impact Statement

1. **Bill Number:** HB423

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

2. **Patron:** Simon

3. **Committee:** Committee on Militia, Police and Public Safety

4. **Title:** Possession of firearms in school zone; penalty.

5. **Summary:** The proposed legislation provides, with certain exceptions, that an individual who knowingly possesses any firearm while such person is in a school zone, defined by the bill as the area within a distance of 1,000 feet from a school, is guilty of a Class 1 misdemeanor.

The proposal also provides that an individual is permitted to possess a firearm in a school zone if (i) he is on private property, (ii) he possesses a valid concealed handgun permit, (iii) the firearm is unloaded and is in either a closed container or a locked firearms rack in or upon a motor vehicle, (iv) he possesses a firearm as part of the school's curriculum or activities or as part of a school-sponsored or school-authorized program, (v) he possesses such firearm in accordance with a contract with the school, or (vi) he is a law-enforcement officer or armed security officer hired by a private or religious school.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** See Item 8.

8. **Fiscal Implications:** The proposed legislation could result in an increase in the jail population since Class 1 misdemeanor outcomes may result in sentences of up to 12 months in jail (and a fine up to \$2,500). However, 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 2015), the estimated total state support for local jails averaged \$32.24 per inmate, per day in FY 2014.

For someone convicted of a Class 6 felony, a judge has the option of sentencing him 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. The impact of the proposal on juvenile correctional center and juvenile detention bed space needs cannot be determined. The legislation has no material fiscal operational impact on Virginia State Police.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, Compensation Board, Department of Juvenile Justice, Department of State Police, regional and local jails.

10. Technical Amendment Necessary: None.

11. Other Comments: None.

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