

Department of Planning and Budget

2016 Fiscal Impact Statement

1. **Bill Number:** HB783H1

House of Origin Introduced Substitute Engrossed

Second House Introduced Substitute Enrolled

2. **Patron:** Adams

3. **Committee:** Passed House

4. **Title:** Brandishing a firearm; law-enforcement officer; penalty.

5. **Summary:** Provides for a six-month mandatory minimum sentence upon conviction of a person for pointing, holding, or brandishing a firearm or similar weapon at someone who the person knows or has reason to know is a law-enforcement officer in such manner as to reasonably induce fear in the mind of another.

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

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

8. **Fiscal Implications:** Under current law, it is a Class 1 misdemeanor for a person to point, hold, or brandish any firearm, including those incapable of being fired, in such a way as to induce fear in another person. Generally, Class 1 misdemeanor outcomes may result in sentences of up to 12 months in jail (and a fine up to \$2,500), however, under the proposal, an individual who brandishes a firearm in the presence of a law-enforcement officer would be subject to a mandatory minimum term of confinement of six months. Therefore, the proposed legislation could result in an increase in the jail population.

There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. 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.

The legislation has no material fiscal operational impact on Virginia State Police.

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

10. **Technical Amendment Necessary:** None.

11. **Other Comments:** None.

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