

## Department of Planning and Budget 2016 Fiscal Impact Statement

**1. Bill Number:** SB184

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

**2. Patron:** Marsden

**3. Committee:** Courts of Justice

**4. Title:** Firearms magazines, certain; prohibition of sale, transfer, etc., penalties.

**5. Summary:** The proposal prohibits any person from selling, bartering, or transferring a firearms magazine designed to hold more than 10 rounds of ammunition. A violation is a Class 1 misdemeanor. The bill also prohibits a person from carrying semi-automatic center-fire firearms with more than 10 rounds of ammunition in a public place. Under existing law this prohibition applies only in certain localities and only to such firearms if the firearm holds more than 20 rounds of ammunition. The bill redefines "assault firearm" in the Code section that prohibits noncitizens and persons not lawfully admitted for permanent residence from possessing assault firearms and in the Code section that prohibits dealers from transferring an assault firearm to such persons by reducing the number of rounds of ammunition that the magazine will hold from more than 20 to more than 10. The rounds of ammunition are also reduced from more than 20 to more than 10 in the section that makes it unlawful for a person younger than 18 years of age to possess an assault firearm.

**6. Budget Amendment Necessary:** Yes. Item 394.

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

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2016	0	0.0	General Fund
2017	50,000	0.0	General Fund
2018	0	0.0	General Fund
2019	0	0.0	General Fund
2020	0	0.0	General Fund
2021	0	0.0	General Fund

**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) and 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.

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 misdemeanor 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 proposal's impact on juvenile detention bed space needs cannot be determined.

According to the Virginia Criminal Sentencing Commission's fiscal impact statement for the proposed legislation, the impact of the legislation on state-responsible (prison) space cannot be determined. In such cases, Chapter 665 of the 2015 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

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

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

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

**11. Other Comments:** None.

**Date:** 1/18/2016-SB184.doc (LAJ)