

Department of Planning and Budget 2016 Fiscal Impact Statement

1. **Bill Number:** SB214

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. **Patron:** Favola

3. **Committee:** Courts of Justice

4. **Title:** Sale of firearms; Terrorist Screening Database.

5. **Summary:** The proposal requires a check of the Terrorist Screening Database prior to purchasing a firearm from a dealer. The State Police will be required to consult with the Terrorist Screening Center to determine if a potential firearms purchaser is in the Database. A person whose name is in the Database will be disqualified from purchasing a firearm. A second enactment clause provides that the bill will not go into effect unless the United States Department of Justice approves the policies and procedures set out in the bill.

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 2 misdemeanor outcomes may result in sentences of up to 6 months in jail (and a fine up to \$1,000). A Class 4 felony carries a sentence of 2 to 10 years in prison, 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.

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 necessary appropriation for the Department of Juvenile Justice cannot be determined for periods of commitment to the custody. 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-SB214.doc (LAJ)