

Department of Planning and Budget 2016 Fiscal Impact Statement

1. Bill Number: SB263

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

2. Patron: Surovell

3. Committee: Courts of Justice

4. Title: Firearms; purchase by persons intending to commit act of terrorism; penalty.

5. Summary: The proposal provides that any person who, having the present intention to commit, conspire to commit, or aid and abet in the commission of an act of terrorism, purchases a firearm is guilty of a Class 1 misdemeanor and any person who sells a firearm to a person who has expressed such an intention is guilty of a Class 4 felony. The bill provides that any such person shall also be disqualified from obtaining a concealed handgun permit. The bill further provides that any person who is listed on the consolidated Terrorist Watch list maintained by the Terrorist Screening Center administered by the Federal Bureau of Investigation is disqualified from obtaining a concealed handgun permit. A second enactment clause provides that the provisions related to the Terrorist Watch list will not go into effect unless the U.S. 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 1 misdemeanor offense may result in sentences of up to 12 months in jail (and a fine up to \$2,500). A Class 4 felony carries a sentence of 2 to 10 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. Liliana: should this say 2015???

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: Similar to SB214.

Date: 1/18/2016-SB263.doc (LAJ)