

Department of Planning and Budget

2016 Fiscal Impact Statement

1. **Bill Number:** HB809

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. **Patron:** Lingamfelter

3. **Committee:** Public Safety

4. **Title:** Sale of firearms; persons not lawfully present in United States; penalty.

5. **Summary:** The proposal provides that the crime of selling, bartering, giving, or furnishing or possessing with the intent to sell, barter, give, or furnish a firearm to a person knowing that such person is prohibited from possessing or transporting a firearm because he is not lawfully present in the United States applies to assault firearms.

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

7. **Fiscal Impact Estimates:** Preliminary. 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 proposal amends § 18.2-308.2:1, which prohibits the sale of firearms to certain people. Currently, under § 18.2-308.2:1, it is a Class 4 felony to sell, barter, give, or furnish a firearm to certain persons known to be prohibited from possessing or transporting certain firearm. The proposal expands the applicability of this felony to include the sale, etc., of firearms to persons who are not citizens of the United States or are not lawfully admitted for permanent residence (§ 18.2-308.2:01(A)). 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.

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 State Police State, the Department of Corrections, Courts, and Commonwealth's Attorneys.

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

11. **Other Comments:** None.