

## Department of Planning and Budget 2017 Fiscal Impact Statement

**1. Bill Number: SB 1039**

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

**2. Patron: Howell**

**3. Committee: Senate Courts of Justice**

**4. Title:** Protective orders and possession of firearms

**5. Summary:**

Under current law, any person subject to a protective order issued in cases of family abuse is prohibited from possessing any firearm while the order is in effect. The only exception is the 24 hours after being served with the order, in which the person subject to the order may possess and transport a firearm for the purpose of selling or transferring it. Violation of these provisions is a Class 6 felony.

The proposed legislation would expand the current law to include persons subject to a protective order issued in cases related to the health and safety of the petitioner and his or her family or household members. Furthermore, it would require any person subject to the provisions of the statute to certify in writing within 48 hours of being served with the protective order that any firearm possessed by him or her had been sold or transferred and to file the certification with the clerk of the court.

**6. Budget Amendment Necessary:** None. The Governor's introduced budget amendments include funding for the fiscal impact of the proposed legislation.

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

**Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2018	\$50,000	General
2019	\$0	
2020	\$0	
2021	\$0	
2022	\$0	
2023	\$0	

## **8. Fiscal Implications:**

For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to 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 and \$12.00 a day for each state responsible inmate. It also funds a considerable portion 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 2016), the estimated total state support for local jails averaged \$32.82 per inmate, per day in FY 2015.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 780 of the 2016 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

## **9. Specific Agency or Political Subdivisions Affected:**

Department of Corrections  
Local and regional jails.

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

## **11. Other Comments:** Identical to HB 2044.

**Date:** 1/23/2017