

Department of Planning and Budget 2017 Fiscal Impact Statement

1. Bill Number: SB 1444

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: Chafin

3. Committee: Senate Finance

4. Title: Restricted ammunition

5. Summary:

Under current law, it is a Class 5 felony to use or attempt to use restricted ammunition while committing or attempting to commit a crime. Restricted ammunition is defined as follows:

- Bullets coated with, or containing, Teflon;
- Bullets known as “KTW” or “French Arcanes”; or
- Bullets with cores comprised, or comprised wholly, of a metal other than lead or lead alloy.

The proposed language would add “pinched tip” bullets to the definition of restricted ammunition. However, it would exempt bullets with copper cores or comprised wholly of copper from the definition of restricted ammunition. Furthermore, it would require that the restricted ammunition be actually discharged or attempted to be discharged during the commission, or attempted commission of, a felony. Finally, it would provide that, if any ammunition has been approved by the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives for commercial sale, it is not restricted ammunition.

6. Budget Amendment Necessary: None.

7. Fiscal Impact Estimates: Indeterminate. See Item 8 below.

8. Fiscal Implications:

For someone convicted of a Class 5 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 10 years in prison. In one respect, the proposed legislation expands an existing Class 5 felony. 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

misdeemeanant 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.

The proposed legislation also provides some exceptions to the existing restrictions. Furthermore, there have been few convictions of the offense. Accordingly, pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission has concluded that the proposal is not expected to have an impact on the prison bed space needs of the Commonwealth during the six-year projection window specified for legislative impact statements.

9. Specific Agency or Political Subdivisions Affected: Local and regional jails.

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 1/30/2017