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HOUSE BILL NO. 1143

Offered January 10, 2018

Prefiled January 10, 2018

A BILL to amend and reenact § 18.2-308.2:2 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 18.2-308.2:5, 18.2-308.2:6, and 18.2-308.2:7, relating to handgun transfer permits; penalties.

Patron—Convirs-Fowler

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.2:2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 18.2-308.2:5, 18.2-308.2:6, and 18.2-308.2:7 as follows:

§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain firearms.

A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to be provided by the Department of State Police, to have the dealer obtain criminal history record information. Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social security number and/or any other identification number; the number of firearms by category intended to be sold, rented, traded, or transferred; and answers by the applicant to the following questions: (i) has the applicant been convicted of a felony offense or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult; (ii) is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order; and (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, or been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction.

B. 1. No dealer shall sell, rent, trade or transfer from his inventory any such firearm to any other person who is a resident of Virginia until he has (i) obtained written consent and the other information on the consent form specified in subsection A, and provided the Department of State Police with the name, birth date, gender, race, citizenship, and social security and/or any other identification number and the number of firearms by category intended to be sold, rented, traded or transferred and (ii) requested criminal history record information by a telephone call to or other communication authorized by the State Police and is authorized by subdivision 2 to complete the sale or other such transfer. To establish personal identification and residence in Virginia for purposes of this section, a dealer must require any prospective purchaser to present one photo-identification form issued by a governmental agency of the Commonwealth or by the United States Department of Defense that demonstrates that the prospective purchaser resides in Virginia. For the purposes of this section and establishment of residency for firearm purchase, residency of a member of the armed forces shall include both the state in which the member's permanent duty post is located and any nearby state in which the member resides and from which he commutes to the permanent duty post. A member of the armed forces whose photo identification issued by the Department of Defense does not have a Virginia address may establish his Virginia residency with such photo identification and either permanent orders assigning the purchaser to a duty post, including the Pentagon, in Virginia or the purchaser's Leave and Earnings Statement. When the photo identification presented to a dealer by the prospective purchaser is a driver's license or other photo identification issued by the Department of Motor Vehicles, and such identification form contains a date of issue, the dealer shall not, except for a renewed driver's license or other photo identification issued by the Department of Motor Vehicles, sell or otherwise transfer a firearm to the prospective purchaser until 30 days after the date of issue of an original or duplicate driver's license unless the prospective purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's record showing that the original date of issue of the driver's license was more than 30 days prior to the attempted purchase.

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59 In addition, no dealer shall sell, rent, trade, or transfer from his inventory any assault firearm to any
60 person who is not a citizen of the United States or who is not a person lawfully admitted for permanent
61 residence.

62 Upon receipt of the request for a criminal history record information check, the State Police shall (a)
63 review its criminal history record information to determine if the buyer or transferee is prohibited from
64 possessing or transporting a firearm by state or federal law, (b) inform the dealer if its record indicates
65 that the buyer or transferee is so prohibited, and (c) provide the dealer with a unique reference number
66 for that inquiry.

67 2. The State Police shall provide its response to the requesting dealer during the dealer's request, or
68 by return call without delay. If the criminal history record information check indicates the prospective
69 purchaser or transferee has a disqualifying criminal record or has been acquitted by reason of insanity
70 and committed to the custody of the Commissioner of Behavioral Health and Developmental Services,
71 the State Police shall have until the end of the dealer's next business day to advise the dealer if its
72 records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state
73 or federal law. If not so advised by the end of the dealer's next business day, a dealer who has fulfilled
74 the requirements of subdivision 1 may immediately complete the sale or transfer and shall not be
75 deemed in violation of this section with respect to such sale or transfer. In case of electronic failure or
76 other circumstances beyond the control of the State Police, the dealer shall be advised immediately of
77 the reason for such delay and be given an estimate of the length of such delay. After such notification,
78 the State Police shall, as soon as possible but in no event later than the end of the dealer's next business
79 day, inform the requesting dealer if its records indicate the buyer or transferee is prohibited from
80 possessing or transporting a firearm by state or federal law. A dealer who fulfills the requirements of
81 subdivision 1 and is told by the State Police that a response will not be available by the end of the
82 dealer's next business day may immediately complete the sale or transfer and shall not be deemed in
83 violation of this section with respect to such sale or transfer.

84 3. Except as required by subsection D of § 9.1-132, the State Police shall not maintain records longer
85 than 30 days, except for multiple handgun transactions for which records shall be maintained for 12
86 months, from any dealer's request for a criminal history record information check pertaining to a buyer
87 or transferee who is not found to be prohibited from possessing and transporting a firearm under state or
88 federal law. However, the log on requests made may be maintained for a period of 12 months, and such
89 log shall consist of the name of the purchaser, the dealer identification number, the unique approval
90 number and the transaction date.

91 4. On the last day of the week following the sale or transfer of any firearm, the dealer shall mail or
92 deliver the written consent form required by subsection A to the Department of State Police. The State
93 Police shall immediately initiate a search of all available criminal history record information to
94 determine if the purchaser is prohibited from possessing or transporting a firearm under state or federal
95 law. If the search discloses information indicating that the buyer or transferee is so prohibited from
96 possessing or transporting a firearm, the State Police shall inform the chief law-enforcement officer in
97 the jurisdiction where the sale or transfer occurred and the dealer without delay.

98 5. Notwithstanding any other provisions of this section, rifles and shotguns may be purchased by
99 persons who are citizens of the United States or persons lawfully admitted for permanent residence but
100 residents of other states under the terms of subsections A and B upon furnishing the dealer with one
101 photo-identification form issued by a governmental agency of the person's state of residence and one
102 other form of identification determined to be acceptable by the Department of Criminal Justice Services.

103 6. For the purposes of this subsection, the phrase "dealer's next business day" shall not include
104 December 25.

105 C. No dealer shall sell, rent, trade or transfer from his inventory any firearm, except when the
106 transaction involves a rifle or a shotgun and can be accomplished pursuant to the provisions of
107 subdivision B 5 to any person who is not a resident of Virginia unless he has first obtained from the
108 Department of State Police a report indicating that a search of all available criminal history record
109 information has not disclosed that the person is prohibited from possessing or transporting a firearm
110 under state or federal law. The dealer shall obtain the required report by mailing or delivering the
111 written consent form required under subsection A to the State Police within 24 hours of its execution. If
112 the dealer has complied with the provisions of this subsection and has not received the required report
113 from the State Police within 10 days from the date the written consent form was mailed to the
114 Department of State Police, he shall not be deemed in violation of this section for thereafter completing
115 the sale or transfer.

116 D. Nothing herein shall prevent a resident of the Commonwealth, at his option, from buying, renting
117 or receiving a firearm from a dealer in Virginia by obtaining a criminal history record information check
118 through the dealer as provided in subsection C.

119 E. If any buyer or transferee is denied the right to purchase a firearm under this section, he may
120 exercise his right of access to and review and correction of criminal history record information under

§ 9.1-132 or institute a civil action as provided in § 9.1-135, provided any such action is initiated within 30 days of such denial.

F. Any dealer who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized in this section shall be guilty of a Class 2 misdemeanor.

G. For purposes of this section:

"Actual buyer" means a person who executes the consent form required in subsection B or C, or other such firearm transaction records as may be required by federal law.

"Antique firearm" means:

1. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

2. Any replica of any firearm described in subdivision 1 of this definition if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade;

3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any combination thereof; or

4. Any curio or relic as defined in this subsection.

"Assault firearm" means any semi-automatic center-fire rifle or pistol which expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock.

"Curios or relics" means firearms that are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

1. Firearms that were manufactured at least 50 years prior to the current date, which use rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade, but not including replicas thereof;

2. Firearms that are certified by the curator of a municipal, state, or federal museum that exhibits firearms to be curios or relics of museum interest; and

3. Any other firearms that derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collectors' items, or that the value of like firearms available in ordinary commercial channels is substantially less.

"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Handgun" means any pistol or revolver or other firearm originally designed, made and intended to fire single or multiple projectiles by means of an explosion of a combustible material from one or more barrels when held in one hand.

"Lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

H. The Department of Criminal Justice Services shall promulgate regulations to ensure the identity, confidentiality and security of all records and data provided by the Department of State Police pursuant to this section.

I. The provisions of this section shall not apply to (i) transactions between persons who are licensed as firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local government, or any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; or (iii) antique firearms, curios or relics.

J. The provisions of this section shall not apply to restrict purchase, trade or transfer of firearms by a resident of Virginia when the resident of Virginia makes such purchase, trade or transfer in another state, in which case the laws and regulations of that state and the United States governing the purchase, trade or transfer of firearms shall apply. A National Instant Criminal Background Check System (NICS)

182 check shall be performed prior to such purchase, trade or transfer of firearms.

183 J1. All licensed firearms dealers shall collect a fee of \$2 for every transaction for which a criminal
184 history record information check is required pursuant to this section, except that a fee of \$5 shall be
185 collected for every transaction involving an out-of-state resident. Such fee shall be transmitted to the
186 Department of State Police by the last day of the month following the sale for deposit in a special fund
187 for use by the State Police to offset the cost of conducting criminal history record information checks
188 under the provisions of this section.

189 K. Any person willfully and intentionally making a materially false statement on the consent form
190 required in subsection B or C or on such firearm transaction records as may be required by federal law,
191 shall be guilty of a Class 5 felony.

192 L. Except as provided in § 18.2-308.2:1, any dealer who willfully and intentionally sells, rents, trades
193 or transfers a firearm in violation of this section shall be guilty of a Class 6 felony.

194 L1. Any person who attempts to solicit, persuade, encourage, or entice any dealer to transfer or
195 otherwise convey a firearm other than to the actual buyer, as well as any other person who willfully and
196 intentionally aids or abets such person, shall be guilty of a Class 6 felony. This subsection shall not
197 apply to a federal law-enforcement officer or a law-enforcement officer as defined in § 9.1-101, in the
198 performance of his official duties, or other person under his direct supervision.

199 M. Any person who purchases a firearm with the intent to (i) resell or otherwise provide such
200 firearm to any person who he knows or has reason to believe is ineligible to purchase or otherwise
201 receive from a dealer a firearm for whatever reason or (ii) transport such firearm out of the
202 Commonwealth to be resold or otherwise provided to another person who the transferor knows is
203 ineligible to purchase or otherwise receive a firearm, shall be guilty of a Class 4 felony and sentenced to
204 a mandatory minimum term of imprisonment of one year. However, if the violation of this subsection
205 involves such a transfer of more than one firearm, the person shall be sentenced to a mandatory
206 minimum term of imprisonment of five years. The prohibitions of this subsection shall not apply to the
207 purchase of a firearm by a person for the lawful use, possession, or transport thereof, pursuant to §
208 18.2-308.7, by his child, grandchild, or individual for whom he is the legal guardian if such child,
209 grandchild, or individual is ineligible, solely because of his age, to purchase a firearm.

210 N. Any person who is ineligible to purchase or otherwise receive or possess a firearm in the
211 Commonwealth who solicits, employs or assists any person in violating subsection M shall be guilty of
212 a Class 4 felony and shall be sentenced to a mandatory minimum term of imprisonment of five years.

213 O. Any mandatory minimum sentence imposed under this section shall be served consecutively with
214 any other sentence.

215 P. All driver's licenses issued on or after July 1, 1994, shall carry a letter designation indicating
216 whether the driver's license is an original, duplicate or renewed driver's license.

217 Q. Prior to selling, renting, trading, or transferring any firearm owned by the dealer but not in his
218 inventory to any other person, a dealer may require such other person to consent to have the dealer
219 obtain criminal history record information to determine if such other person is prohibited from
220 possessing or transporting a firearm by state or federal law. The Department of State Police shall
221 establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to
222 be made by the Department of State Police, and the processes established for making such
223 determinations shall conform to the provisions of this section.

224 R. *The provisions of this section shall not apply to a person who presents the dealer with (i) a*
225 *handgun transfer permit issued pursuant to § 18.2-308.2:6 and (ii) one photo-identification form issued*
226 *by a governmental agency of the Commonwealth or by the U.S. Department of Defense. Nothing in this*
227 *subsection shall operate to limit the application of federal law governing the transfer of a firearm by a*
228 *dealer.*

229 **§ 18.2-308.2:5. Handgun transfer permit required to transfer handgun; penalty.**

230 A. A person who sells, rents, trades, or transfers a handgun shall require the prospective transferee
231 to present (i) a handgun transfer permit and (ii) one photo-identification form issued by a governmental
232 agency of the Commonwealth or by the U.S. Department of Defense. Except as provided in
233 § 18.2-308.2:1, a person who willfully and intentionally sells, rents, trades, or transfers a handgun to a
234 person who does not present to the transferor (a) a handgun transfer permit and (b) one
235 photo-identification form issued by a governmental agency of the Commonwealth or by the U.S.
236 Department of Defense is guilty of a Class 1 misdemeanor.

237 B. Notwithstanding the provisions of subsection A and unless otherwise prohibited by state or federal
238 law, a person may transfer a handgun to another person if:

239 1. The transfer is a bona fide gift made by or to a member of the transferor's immediate family as
240 defined in § 6.2-1300;

241 2. The transfer occurs by operation of law;

242 3. The transferor is an executor or administrator of an estate or is a trustee of a testamentary trust
243 and the handgun transferred is property of such estate or trust;

4. The transfer is temporary and (i) occurs within the continuous presence of the owner of the firearm or (ii) is necessary to prevent imminent death or serious bodily injury;

5. The transfer is made to a professional gunsmith for the purpose of repairing or modifying the handgun; or

6. The transferor is the owner or operator of a shooting range or agent thereof and the handgun is transferred for use on the property of such shooting range.

C. No provisions of this section shall apply to a dealer who complies with the requirements of § 18.2-308.2:2.

§ 18.2-308.2:6. Handgun transfer permit; application, issuance, procedures.

A. The Department of State Police (Department) shall establish a process for issuing handgun transfer permits and may charge a fee to cover administrative costs. Any resident of the Commonwealth 21 years of age or older or who is a member of the United States Armed Forces domiciled in the Commonwealth may submit an application for a handgun transfer permit. The application shall be made on a form to be provided by the Department and shall be made under oath before a notary or other person qualified to take oaths. The form shall include written consent to have the Department obtain criminal history record information; name, birth date, gender, race, citizenship, and social security number or other identification number; and answers by the applicant to the following questions: (i) has the applicant been convicted of a felony offense or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult; (ii) is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order; and (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated, or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, or been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction. The Department shall require proof that the applicant has demonstrated competence with a handgun pursuant to the requirements in subsection B of § 18.2-308.02.

B. To establish personal identification and residence in Virginia for purposes of this section, the applicant must present two photographs of a type and kind specified by the Department and other documentation of residence. Except where the photo identification was issued by the U.S. Department of Defense, the other documentation of residence shall show an address identical to that shown on the photo-identification form, such as evidence of currently paid personal property tax or real estate tax, or a current (i) lease, (ii) utility or telephone bill, (iii) voter registration card, (iv) bank check, (v) passport, (vi) automobile registration, or (vii) hunting or fishing license; other current identification allowed as evidence of residency by 27 C.F.R. § 178.124 and ATF Ruling 2001-5; or other documentation of residence determined to be acceptable by the Department of Criminal Justice Services that corroborates that the applicant currently resides in Virginia. Where the photo identification was issued by the U.S. Department of Defense, permanent orders assigning the applicant to a duty post in Virginia, including the Pentagon, shall be the only other required documentation of residence. For the purposes of this section and establishment of residency, residency of a member of the armed forces shall include both the state in which the member's permanent duty post is located and any nearby state in which the member resides and from which he commutes to the permanent duty post. When the photo identification presented by the applicant is a driver's license or other photo identification issued by the Department of Motor Vehicles, and such photo-identification form contains a date of issue, the Department shall not, except for a renewed driver's license or other photo identification issued by the Department of Motor Vehicles, issue a firearms transfer permit until 30 days after the date of issue of an original or duplicate driver's license unless the applicant also presents a copy of his Virginia Department of Motor Vehicles driver's record showing that the original date of issue of the driver's license was more than 30 days prior to the date of application.

C. An application is deemed complete when all information required to be furnished by the applicant, including the fee, is delivered to and received by the Department.

D. The Department shall search all available criminal history record information to determine if the applicant is prohibited from possessing or transporting a firearm under state or federal law. If the search discloses information indicating that the applicant is prohibited from possessing or transporting a firearm, the State Police shall inform the applicant of the basis of the denial.

E. If an applicant is denied a permit or issued a permit which is subsequently revoked based on the criminal history record information search, he may exercise his right of access to and review and

305 correction of criminal history record information under § 9.1-132 or institute a civil action as provided
306 in § 9.1-135, provided that any such action is initiated within 30 days of such denial or revocation.

307 F. The Department shall enter the name and description of a person issued a firearms transfer
308 permit into the Virginia Criminal Information Network.

309 G. If a disqualifying event occurs subsequent to the issuance of a permit, the Department shall
310 revoke the permit and shall promptly notify the person whose permit was revoked of the revocation and
311 the reason for the disqualification. The Department shall revoke the permit of anyone who establishes
312 residency outside of the Commonwealth. This provision shall not apply to (i) residents of the
313 Commonwealth who serve in the United States Armed Forces and who are stationed outside the
314 Commonwealth but who retain their permanent residency within the Commonwealth for purposes of
315 military pay or (ii) any nonresident member of the United States Armed Forces while he is domiciled in
316 the Commonwealth. Any person whose permit was revoked may apply to the Department for
317 reinstatement of the permit. Such person must demonstrate (a) that the condition or preclusion that was
318 the basis of the revocation has lapsed or is no longer in effect and (b) that any administrative fees have
319 been paid, and the Department shall reissue the permit upon proof that clauses (a) and (b) have been
320 satisfied.

321 H. Any person who has been issued a permit in accordance with this section and whose address
322 changes from the address shown on the permit shall, within 30 business days of the change in the
323 address, notify the Department of his change of address. The Department shall issue a new permit. The
324 Department shall suspend the permit issued to any person who fails to notify the Department as
325 required. Such suspension shall occur immediately upon notice by the Department that such person is in
326 violation of this provision. The Department shall notify the permittee of such suspension, and any
327 suspended permit shall be surrendered to the Department upon notice of suspension for 180 days from
328 the date such permit is surrendered. The Department shall return any suspended permit at the
329 conclusion of such suspension.

330 I. The Department shall conduct a national criminal history records check on all handgun transfer
331 permittees on a periodic basis, but no less than annually, throughout the lifetime of the permit. Upon
332 notice of any reason that would be the basis of a revocation, the Department shall revoke any permit
333 issued to a disqualified person. The Department shall notify in writing any person whose permit is
334 revoked pursuant to this provision of such revocation at his last known address. Such notice shall state
335 any reason that is the basis of the revocation. Any person who receives notice of revocation pursuant to
336 this provision shall forfeit and immediately surrender his permit to the Department.

337 J. The provisions of this section shall not apply to (i) transactions between persons who are licensed
338 as firearms importers or collectors, manufacturers, or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii)
339 purchases by or sales to any law-enforcement officer or agent of the United States, the Commonwealth
340 or any local government, or any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of
341 Chapter 8 of Title 23; or (iii) antique firearms, curios, or relics.

342 K. The making of a materially false statement in an application under this article shall constitute
343 perjury, punishable as provided in § 18.2-434.

344 L. The definitions in subsection G of § 18.2-308.2:2 shall apply to this section.

345 **§ 18.2-308.2:7. Possession of a revoked or suspended handgun transfer permit; penalty.**

346 Any person who displays a handgun transfer permit that has been revoked or suspended knowing
347 that such permit has been revoked or suspended is guilty of a Class 1 misdemeanor.

348 **2. That the provisions of subsection R of § 18.2-308.2:2 of the Code of Virginia, as amended by**
349 **this act, shall become effective only if approval is received from the U.S. Department of Justice for**
350 **the Department of State Police to implement the policies and procedures set out in this act.**

351 **3. That the provisions of this act may result in a net increase in periods of imprisonment or**
352 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
353 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
354 **836 of the Acts of Assembly of 2017 requires the Virginia Criminal Sentencing Commission to**
355 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**
356 **necessary appropriation cannot be determined for periods of commitment to the custody of the**
357 **Department of Juvenile Justice.**