

## Department of Planning and Budget 2018 Fiscal Impact Statement

1. **Bill Number:** HB1100

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

2. **Patron:** Levine

3. **Committee:** Courts of Justice

4. **Title:** Appeal of involuntary admission order; possession of firearms.

5. **Summary:** This proposal provides that a person who is involuntarily admitted or ordered to mandatory outpatient treatment may not purchase, possess, or transport a firearm until his right to do so is restored by a court regardless of the outcome of any appeal of that order. Current law prohibits any person who (i) has been admitted to a facility or ordered to mandatory outpatient treatment, (ii) has been involuntarily admitted to a facility or ordered to mandatory outpatient treatment as the result of a commitment hearing or (iii) who was the subject of a temporary detention order and subsequently agreed to voluntary admission to purchase, possess, or transport a firearm. Violation of this provision is punishable as a Class 1 misdemeanor. Current law also provides that an offender with three or misdemeanor weapons convictions is guilty of a Class 6 felony.

6. **Budget Amendment Necessary:** No

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

8. **Fiscal Implications:** Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. 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 misdemeanant or otherwise local responsible prisoner held in a jail. It also funds a large 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 2017), the estimated total state support for local jails averaged \$34.58 per inmate, per day in FY 2016.

The proposed legislation has the potential to increase the number of offenders convicted of a third qualifying offense, which would be punishable as a Class 6 felony with a sentence of up to one year in jail, or 1 to 5 years in prison. However, according to the Virginia Criminal Sentencing Commission, there have been no felony convictions that have resulted in state-responsible (prison) sentences. It has therefore concluded that the proposal is not expected to impact state-responsible (prison) bed space needs.

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

**10. Technical Amendment Necessary:** None

**11. Other Comments:** None