

Department of Planning and Budget

2018 Fiscal Impact Statement

1. Bill Number: HB651

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

2. Patron: Kathleen Murphy

3. Committee: House Courts of Justice

4. Title: Protective orders; possession of firearms; penalty.

5. Summary: The proposed legislation make it a Class 6 felony for a person who is subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) to possess a firearm while the order is in effect. Under current law, only a person subject to a permanent protective order for family abuse is prohibited from possessing a firearm while the order is in effect.

6. Budget Amendment Necessary: Yes. Item 391 of HB30/SB30.

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

8. Fiscal Implications: Because this bill makes it a Class 6 felony for individuals to possess a firearm while subject to a permanent protective order in cases other than family abuse, the proposed bill would increase the future state responsible (prison) bed space needs of the Commonwealth. 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. However, the impact of the bill on state-responsible (prison) bed space cannot be determined due to insufficient data. In such cases, Chapter 836 of the 2017 Acts of Assembly, requires that a minimum impact of \$50,000 be assigned to the bill. Because the number of cases cannot be quantified, the impact on community corrections programs, local corrections, and the Department of Juvenile Justice cannot be determined.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections; Local correctional facilities; Community corrections; Department of Juvenile Justice.

10. Technical Amendment Necessary: No.

11. Other Comments: None.