

Department of Planning and Budget

2018 Fiscal Impact Statement

1. Bill Number: HB720

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: Plum

3. Committee: Courts of Justice

4. Title: Purchase and transport of firearms; simple assault hate crime.

5. Summary: The proposal prohibits any person convicted of misdemeanor assault hate crimes from purchasing or transporting handguns. It also provides that the prohibition will be removed five years after the date of conviction if the individual has not been convicted of any such offense within that period. A violation of the proposed section would be punishable as a Class 1 misdemeanor. It also prohibits firearms dealers from employing individuals who are prohibited from purchasing or transporting a firearm due to a misdemeanor assault hate crime. Currently, any dealer who willfully and knowingly employs or permits a person to act as a firearm seller in violation of this section is guilty of a Class 1 misdemeanor. However, making a materially false statement on the personal descriptive information required in § 18.2-308.2:3 is a Class 5 felony.

It is a Class 6 felony for any firearms dealer to willfully and intentionally sell, rent, trade, or transfer a firearm in violation of this section, and purchasing a firearm with the intent to transfer it to an individual who is ineligible to purchase a firearm from a dealer is a Class 4 felony that carries a mandatory minimum term of one year. Offenders who transfer more than one firearm in violation of § 18.2-308.2:2(M) are subject to a mandatory minimum term of five years. It is a Class 4 felony for any person ineligible to purchase or possess a firearm to solicit, employ, or assist any person in purchasing a firearm in violation of § 18.2-308.2:2(M); a violation of this subsection also carries a mandatory minimum term of five years.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: Under the proposal, individuals convicted of a hate crime under § 18.2-57(A) would be ineligible to purchase or transport a firearm and could not be employed by a firearms dealer. There is not sufficient data available to determine the number of violations that would result impacting prison beds if the proposal is enacted. Additionally, 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 misdemeanor 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.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, Local and Regional jails, Department of Juvenile Justice.

10. Technical Amendment Necessary: None

11. Other Comments: None