

Department of Planning and Budget

2018 Fiscal Impact Statement

1. Bill Number: HB927

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

2. Patron: Hope

3. Committee: Committee Referral Pending

4. Title: Prohibition of sale, transfer, etc., of certain firearms magazines and firearms; penalties.

5. Summary: This bill redefines “assault firearm” to mean any firearm equipped with a magazine that can hold more than ten rounds of ammunition. It prohibits any dealer from selling, renting, trading, or transferring an assault firearm to anyone, and prohibits any person from possessing or transporting an assault firearm, or to carry one hidden from common observation. It is currently only prohibited for persons who are neither United States citizens nor permanent residents to possess or transport assault firearms, or for a dealer to sell one to such a person. Such violations will be punishable as a Class 6 felony under this legislation.

The bill also prohibits the sale, import, possession or transfer of any specified semi-automatic folding stock shotguns that are capable of holding more than 10 shotgun shells, and prohibits the carrying of such firearms in public areas in all Virginia localities, and punishes violations as a Class 6 felony. It is currently a Class 1 misdemeanor to carry such a weapon with more than 20 shotgun shells in certain listed localities. The proposal will also increase the penalty for possession of a handgun or assault firearm by a minor from a Class 1 misdemeanor to a Class 6 felony.

6. Budget Amendment Necessary: Yes. Item 391 of the budget bill (HB30 and SB30) includes appropriation for this legislation.

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

8. Fiscal Implications: Because this bill will result in more people being convicted of a Class 6 felony, this bill could 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. 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 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 2017), the estimated total state support for local jails averaged \$34.58 per inmate, per day in FY 2016.

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, which is included in the introduced budget. 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.