

## Department of Planning and Budget 2019 Fiscal Impact Statement

**1. Bill Number:** HB2066

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:** Yancey

**3. Committee:** House Committee for Courts of Justice

**4. Title:** Stolen firearms; penalties.

- 5. Summary:** The proposal legislation amends penalties under §§ 18.2-53.1 (use or display of firearm in committing a felony) and 18.2-108.1 (larceny with intent to sell firearm; sale of stolen firearm, receipt of stolen firearm) and establishes mandatory minimum terms for certain offenses related to stolen firearms. Under current law, it is unlawful to use, attempt to use, or display a firearm while committing or attempting to commit specified felonies. Violation of this provision is punishable as a separate and distinct felony and subject to a three-year mandatory sentence if it is the individual's first conviction under § 18.2-53.1 and a five-year mandatory sentence if it is the individual's second or subsequent conviction under § 18.2-53.1. Moreover, any person who receives or buys a firearm from another person or aids in concealing it while knowing such firearm was stolen is guilty of a Class 6 felony pursuant to § 18.2-108.1.

The bill would increase the mandatory minimum for a first offense under § 18.2-53.1 from three to five years; and the mandatory minimum for a second or subsequent offense would increase from five to ten years if the person violating the same section knew or should have known that a firearm used in the offense was stolen. The legislation also makes changes to § 18.2-108.1: Any person who commits simple larceny of a firearm with intent to sell or distribute it would be guilty of a Class 3 felony and subject to a mandatory minimum sentence of five years; and any person who sells, distributes, or possesses with intent to sell or distribute a firearm while knowing that it was stolen would be guilty of a Class 5 felony that includes a mandatory minimum term of two years. Currently, buying or receiving a firearm from another person or aiding to conceal a firearm, knowing that it was stolen is a Class 6 felony. Under the bill, a person convicted under this provision (§ 18.2-108.1.C) would be given a mandatory minimum term of one year.

**6. Budget Amendment Necessary:** Yes, Item 391.

**7. Fiscal Impact Estimates:** Preliminary (see Item 8 below).

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2019			
2020	\$2,353,931	0	General
2021			
2022			
2023			
2024			
2025			

- 8. Fiscal Implications:** The proposed legislation raises existing felony penalties and establishes mandatory minimum sentencing terms for certain offenses related to stolen firearms.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of at least \$2,353,931 (the highest annual cost over the next six years). The amount is based on the projection that the legislation would result in at least 67 additional inmates being incarcerated in prison.

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. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

The Virginia Criminal Sentencing Commission has also determined that the proposal is not expected to increase the need for local-responsible (jail) beds, since affected offenders would be required to serve a state-responsible (prison) term under the proposal.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Corrections

- 10. Technical Amendment Necessary:** No

- 11. Other Comments:** None