

Department of Planning and Budget

2019 Fiscal Impact Statement

1. Bill Number: SB1078S1

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Howell

3. Committee: Courts of Justice

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

5. Summary: Currently, § 18.2-308.1:4 of the Virginia Code, makes it is a Class 1 misdemeanor for any person subject to a protective order to purchase or transport a firearm during the period the order is in effect. The bill amends this section of the Code relating to the purchase or transport of firearms by persons subject to protective orders. Additionally, under this provision, any person with a concealed handgun permit is prohibited from carrying a concealed firearm for the duration of the protective order and must surrender his permit to the court during that time period. Violation of this specific subsection is a Class 6 felony. The proposal would expand the Class 6 felony defined in § 18.2-308.1:4 (B) to prohibit persons subject to a protective order issued pursuant to § 19.2-152.10, related to the health and safety of a petitioner and their family or household members, from knowingly possessing a firearm.

6. Budget Amendment Necessary: No. Item 391 of the introduced budget bill (HB1700 and SB1100) includes an appropriation to support this legislation.

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

8. Fiscal Implications: By expanding the applicability of an existing felony, the proposal may increase the future state responsible (prison) bed space needs of the Commonwealth. The available data do not provide sufficient detail to estimate the number of new felony convictions that may result from enactment of the proposal; therefore, the magnitude of the impact on prison bed space needs cannot be determined at this time. Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 2 of the 2018 Acts of Assembly, Special Session I requires that a minimum impact of \$50,000 be assigned to the bill. According to the Sentencing Commission, the impact on the Department of Juvenile Justice (DJJ) and local corrections is indeterminate.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.