

## Department of Planning and Budget 2019 Special Session I Fiscal Impact Statement

**1. Bill Number:** HB4016

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:** Poindexter

**3. Committee:** Courts of Justice

**4. Title:** Use or display of firearm in committing felony; penalty.

**5. Summary:** Currently, under § 18.2-53.1, 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 and a five-year mandatory sentence if it is the individual's second or subsequent conviction. This bill would increase the mandatory minimum for a first offense under from three to five years, and the mandatory minimum for a second or subsequent offense would increase from five to ten years.

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

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

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2019			
2020	\$2,950,216	0	General
2021			
2022			
2023			
2024			
2025			

**8. Fiscal Implications:** The proposed legislation increases mandatory minimum penalties for existing felony offenses from three years to five years for a first conviction and from five years to ten years for a second or subsequent conviction.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$2,950,216 based on the projection that the legislation would result in at least 84 additional offenders being incarcerated in state prison.

The Virginia Criminal Sentencing Commission has also determined that the proposal is not expected to increase the need for local jail beds, since affected offenders would be required to serve a state term under the proposal. However, some offenders would be held in local

jails while awaiting trial. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail and \$12.00 a day for each state responsible inmate.

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

**10. Technical Amendment Necessary:** No

**11. Other Comments:** The proposed legislation contains an Enactment Clause appropriating \$2,950,216 from the balance of the general fund in fiscal year 2020 to be appropriated among the agencies and programs impacted by its provisions.