

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

1. Bill Number: HB4018

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: Miyares

3. Committee: House Committee for Courts of Justice

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

5. Summary: The proposed legislation imposes an additional two-year mandatory minimum term of imprisonment for use or display of a firearm in the commission of a felony if the firearm is equipped with a firearm silencer, as defined in the bill, at the time of the offense. The proposed legislation also retains the current penalties for use or display of a firearm in the commission of a felony of a three-year mandatory minimum term of imprisonment for a first offense and a five-year mandatory minimum term of imprisonment for a second offense.

6. Budget Amendment Necessary: Yes, Item 391.

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

8. Fiscal Implications: The proposed legislation modifies the *Code of Virginia*, §18.2-53.1 to establish an additional mandatory minimum term for use of a firearm in the commission of a felony when the firearm is equipped with a silencer, as defined. 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. A violation 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. Under the proposed legislation, the current mandatory minimum sentences for using a firearm defined in §18.2-53.1 would remain the same. However, for each firearm that was equipped with a "firearm silencer," an additional two-year mandatory minimum term would apply. The two-year mandatory term would be in addition to the current mandatory terms.

According to the Virginia Criminal Sentencing Commission, the proposed legislation may increase the future state-responsible (prison) bed space needs of the Commonwealth because it creates an additional mandatory term for felony offenses committed under certain circumstances. 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 854 of the 2019 Acts of Assembly, requires that a minimum impact of \$50,000 be assigned to the bill.

The proposal is not expected to increase the need for community corrections resources and will delay the need for services for offenders affected by the proposal, as they will serve longer incarceration terms prior to being released to the community.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections; Courts, and Law Enforcement agencies.

10. Technical Amendment Necessary: No.

11. Other Comments: None.