

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

1. Bill Number: HB4024

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

2. Patron: Yancey.

3. Committee: House Committee for Courts of Justice

4. Title: Prohibits the purchase, possession, or transportation of firearm by persons who are voluntarily admitted

5. Summary: Under the proposed legislation, it is Class 1 misdemeanor for a person who has been voluntarily admitted to an inpatient treatment facility for treatment of schizophrenia or bipolar 1 disorder to purchase, possess, or transport a firearm and a Class 4 felony for a person to sell, barter, give, or furnish such person a firearm if he knows such person is prohibited from possessing a firearm. The bill provides a means by which such person may petition the court to have his right to purchase, possess, or transport a firearm restored. The bill also directs private providers, community services boards, and behavioral health authorities to report patient admissions for schizophrenia and bipolar 1 disorder to the Central Criminal Records Exchange and to advise the patient prior to voluntary admission that such admission will prohibit his ability to purchase, possess, or transport a firearm.

6. Budget Amendment Necessary: Yes, Item 391

7. Fiscal Impact Estimates: Indeterminate (see Item 8)

8. Fiscal Implications: This legislation requires private providers, Community Services Boards, and Behavioral Health Authorities to report all voluntary inpatient admissions for patients with schizophrenia or bipolar 1 disorder to the Central Criminal Records Exchange within one business day. According to the Department of Behavioral Health and Developmental Services (DBHDS), the proposed legislation is not expected to have a direct impact on the agency, however, DBHDS notes there may be an impact on local Community Service Boards (CSB) and Behavioral Health Authorities (BHA), which are partially funded with state general fund dollars, to meet the reporting requirements of this legislation. Some or all CSBs/BHAs may need up to one additional FTE to meet the reporting requirements of this bill, depending on the volume of work generated. Any such impact cannot be determined at this time.

The bill provides a means by which such person may petition the court to have his right to purchase, possess, or transport a firearm restored. The impact on the Commonwealth's Attorneys and Courts cannot be determined at this time.

By creating a new Class 1 misdemeanor offense, the proposed legislation may increase local-responsible (jail) bed space needs. Because the number of new convictions that may result from enactment of the proposal cannot be determined, the magnitude of the impact on jail bed space needs cannot be estimated. 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. 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 2018), the estimated total state support for local jails averaged \$33.83 per inmate, per day in FY 2017.

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.

9. Specific Agency or Political Subdivisions Affected: Department of Behavioral Health and Developmental Services, Courts, Virginia Department of State Police, Commonwealth's Attorneys, Department of Corrections, local community service boards, local behavioral authorities, local and regional jails.

10. Technical Amendment Necessary: No

11. Other Comments: None