

## Department of Planning and Budget 2020 Fiscal Impact Statement

**1. Bill Number:** HB1287

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

**2. Patron:** Murphy

**3. Committee:** Public Safety

**4. Title:** Employees of a firearms dealer.

**5. Summary:** Provides that no person, corporation, or proprietorship licensed as a firearms dealer shall employ any person in any capacity if such person is prohibited from possessing a firearm under state law. Currently, only persons employed to sell firearms must not be prohibited from possessing them.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary. See below.

**8. Fiscal Implications:** The proposed legislation provides that no person who is employed by a licensed firearms dealer may be prohibited by law from possessing a firearm.

The Department of State Police (VSP) manages the state's Firearms Transaction Center (FTC), including validating that prospective firearms sellers are not prohibited from possessing a firearm under federal and state law. According to VSP, there is no anticipated fiscal impact on agency operations as a result of the provisions of this bill.

This bill may expand the applicability of several existing offenses pertaining to firearms employees, including § 18.2-308.2:3(I) (obtaining, etc. criminal history record information or unlawfully disseminating it, a Class 2 misdemeanor); § 18.2-308.2:3(J) (making a materially false statement on an employment form, a Class 5 felony, or permitting such a person to sell a firearm as a dealer, a Class 1 misdemeanor); and § 18.2-308.2:3(M) (making a false statement on an affidavit, a Class 5 felony). Pursuant to § 18.2-311.2, a third or subsequent violation of the Class 1 misdemeanor under § 18.2-308.2:3(J) would be punishable as a Class 6 felony. However, for the six most recent fiscal years required for analysis, no offenders received a state-responsible (prison) sentence for a felony conviction pursuant to § 18.2-311.2. Additionally, the only felony conviction under § 18.2-308.2:3 in the six most recent fiscal years did not result in an active term of incarceration. Therefore, according to the Virginia Criminal Sentencing Commission, this bill is not expected to have a fiscal impact on the Department of Corrections.

Because it expands the applicability of existing misdemeanors, this bill could result in additional persons being sentenced to local and regional jails. There is not enough

information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently 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 prisoner. 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 2019), the estimated total state support for local jails averaged \$34.07 per inmate, per day in FY 2018.

**9. Specific Agency or Political Subdivisions Affected:** Department of State Police, Local and regional jails.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.