

Department of Planning and Budget 2020 Fiscal Impact Statement

1. **Bill Number:** HB458

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

2. **Patron:** Sullivan

3. **Committee:** Committee Referral Pending

4. **Title:** Purchase, possession, and transportation of firearms; fugitives; penalty.

5. **Summary:** Prohibits any person who is a fugitive, defined as any person named in an active misdemeanor or felony warrant of arrest under the laws of the Commonwealth or of any other state, the District of Columbia, or the United States or any territory thereof, from purchasing, possessing, or transporting a firearm. Violation of this provision is punishable as a Class 1 misdemeanor. The bill also requires updating the Department of State Police's criminal history record information form to inquire if the applicant is a fugitive.

6. **Budget Amendment Necessary:** Yes. Items 402 and 425.

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

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2020			
2021	\$64,086	0	General
2022			
2023			
2024			
2025			
2026			

8. **Fiscal Implications:** According to the Department of State Police (VSP), the proposed legislation would require revising the Virginia Firearms Transaction Record (SP-65) Form, which is completed by individuals at the time of firearms purchase. An initial package of the revised SP-65 form would need to be mailed to every firearms dealer registered with the State Police Firearms Transaction Center. The cost to print and distribute the new forms is estimated to be \$14,086.47.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. 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 misdemeanant or otherwise local-responsible prisoner held in a jail. It also funds a large

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.

A third or subsequent Class 1 misdemeanor firearm violation is punishable as a Class 6 felony. The proposal also expands the applicability of several existing felony offenses. The proposal would amend the Virginia consent form to add a question regarding whether the applicant is a fugitive. An individual making a materially false statement in response to this question would be subject to conviction for a Class 5 felony. For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or one to five years in prison. A Class 5 felony is punishable by one to ten years in prison. 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.

Any fiscal impact on the Department of Juvenile Justice (DJJ) cannot be determined at this time.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.