

Department of Planning and Budget

2021 Special Session I Fiscal Impact Statement

1. Bill Number: HB1992 ER

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Murphy

3. Committee: Passed both houses

4. Title: Purchase, possession of firearms following conviction for assault and battery of a family member.

5. Summary: Under the proposed legislation, any person who knowingly and intentionally purchases, possesses or transports a firearm following a misdemeanor conviction for an assault and battery of a family or household member or a substantially similar offense under the laws of any other state or of the United States when the offense occurred on or after July 1, 2021, would be guilty of a Class 1 misdemeanor.

This proposal prohibits a person who has been convicted of assault and battery of a family or household member from purchasing, possessing, or transporting a firearm. A person who violates this provision would be guilty of a Class 1 misdemeanor.

The proposed section also provides the definition of “family or household member” and specifies the conditions for a person convicted of a newly established Class 1 misdemeanor to restore his right to purchase, possess, or transport a firearm.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Final. See below.

8. Fiscal Implications:

According to the Virginia Criminal Sentencing Commission, the proposed legislation is not expected to have an impact on the state prison bed space needs. While the proposal may increase local-responsible (jail) bed space needs because it establishes new Class 1 misdemeanors, 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 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 2020), the estimated total state support for local jails averaged \$34.59 per inmate, per day in FY 2019.

9. Specific Agency or Political Subdivisions Affected: Department of Juvenile Justice, Local and regional jails, Local law enforcement agencies, Courts, Commonwealth's Attorneys, and Public Defenders Offices.

10. Technical Amendment Necessary: No

11. Other Comments: None