



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 1866

(Patron – Wittman)

LD#: 07-8177554

Date: 12/8/2006

Topic: Pneumatic weapons on school property

#### Fiscal Impact Summary:

- **State Adult Correctional Facilities:**  
Cannot be determined, likely to be negligible
- **Local Adult Correctional Facilities:**  
Cannot be determined, likely to be negligible
- **Adult Community Corrections Programs:**  
Cannot be determined, likely to be negligible

- **Juvenile Correctional Centers:**  
None
- **Juvenile Detention Facilities:**  
None

#### Summary of Proposed Legislation:

The proposal expands § 18.2-308.1 to prohibit the possession of a pneumatic weapon while on school property, property being exclusively used for school-sponsored functions or activities, or a school bus owned or operated by a school. Violators would be guilty of a Class 6 felony.

Currently, this provision applies only to firearms designed or intended to expel a projectile by action of an explosion of combustible material.

#### Analysis:

According to Pre/Post-Sentence Investigation data for CY2004 and CY2005, there were six convictions under § 18.2-308.1. Five of the six offenders were sentenced to a term of incarceration; three were given a local-responsible (jail) sentence and two were given a state-responsible (prison) sentence. Offenders committed to prison were given sentences of 1 and 2 years, respectively.

#### Impact of Proposed Legislation:

**State adult correctional facilities.** Because it expands the applicability of an existing felony offense, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. While the magnitude of the impact cannot be quantified, it is expected to be negligible.

**Local adult correctional facilities.** The proposal may increase local-responsible (jail) bed space needs. The impact is expected to be negligible.

**Adult community corrections resources.** Because the proposal could result in felony convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for adult community corrections resources. The potential impact on community corrections resources cannot be quantified, but is likely to be negligible.

**Virginia's sentencing guidelines.** Felony convictions under § 18.2-308.1 are covered by the sentencing guidelines as the primary (most serious) offense at conviction. No adjustment to the guidelines would be necessary under the proposal.

**Juvenile correctional centers.** According to the Department of Juvenile Justice (DJJ), the proposal is not expected to increase juvenile correctional center (JCC) bed space needs. However, under the Length of Stay (LOS) guidelines, the minimum length of stay range for the felony provision would be 6 to 12 months.

**Juvenile detention facilities.** The Department of Juvenile Justice reports that the proposal is not expected to increase the bed space needs of juvenile detention facilities.

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**Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

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