



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 588

(Patron – Marsden)

LD#: 08-5919608

Date: 1/7/2008

Topic: Concealed weapons

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
Cannot be determined
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Correctional Centers:**
None (\$0)
- **Juvenile Detention Facilities:**
None (\$0)

Summary of Proposed Legislation:

The proposal amends § 18.2-308(A)(i) to expand the list of weapons that cannot be carried in a concealed fashion. The proposal adds weapons designed or intended to propel a missile by pneumatic pressure. A violation of § 18.2-308(A) is a Class 1 misdemeanor. A second violation is punishable as a Class 6 felony and a third or subsequent violation is a Class 5 felony. Subsection A of § 18.2-308 was last amended in 2004, when the General Assembly removed language requiring that persons convicted of a violation of this section forfeit the weapon and granting officers the authority to seize the weapon as forfeited.

Analysis:

According to the Local Inmate Data System (LIDS) for calendar year (CY) 2005 and CY2006, 1,005 offenders held in jail pre- or post-trial were convicted of a Class 1 misdemeanor under § 18.2-308(A) for carrying a concealed weapon. For 869 offenders, this was the most serious crime at conviction. Of these offenders, the majority (76%) received a jail term, for which the median sentence was 1.5 months. More than 15% received probation without an active term of incarceration to serve. The remaining 9%, convicted of multiple misdemeanor charges, were given a state-responsible (prison) sentence.

Fiscal year (FY) 2006 and FY2007 Pre/Post-Sentence Investigation (PSI) data indicate that 47 offenders were convicted of a felony during the two-year period for a second possession of a concealed weapon. Nearly half (45%) of these offenders were given a state-responsible (prison) term. For offenders committed to prison, the median sentence was two years. Another 28% were given a local-responsible (jail) term, for which the median sentence was 3 months. The remaining offenders were not given an active term to serve.

FY2006 and FY2007 PSI data reveal that four offenders were convicted and sentenced for a third possession of a concealed weapon; three of the four were committed to prison (median sentence of two years).

Existing databases do not provide sufficient detail to identify incidents involving concealed pneumatic weapons.

Impact of Proposed Legislation:

State adult correctional facilities. Because it broadens the applicability of an existing felony, the proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. The number of additional felony convictions that may result from the proposal cannot be estimated; therefore, the magnitude of the impact cannot be quantified.

Local adult correctional facilities. The proposal may increase the local-responsible (jail) bed space needs, but the magnitude of the impact cannot be determined.

Adult community corrections programs. Because the proposal may result in additional felony offenders placed on community supervision (or lengthier supervision periods for offenders already in the community), it may have an impact on community corrections resources. Since the number of cases that may be affected by the proposal cannot be determined, the potential impact on community corrections cannot be quantified.

Virginia's sentencing guidelines. No adjustment to the guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice, the proposal is not expected to increase juvenile correctional center bed space needs.

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.

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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