



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 932

(Patron – Gilbert)

LD#: 08-7006516

Date: 12/26/2007

Topic: Reckless handling of firearms

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 adds subsection A1 to § 18.2-56.1. The proposal would make it a Class 6 felony to recklessly handle any firearm so as to endanger the life, limb or property of another in a manner so gross, wanton, and culpable as to show a reckless disregard for human life and thereby unintentionally cause serious bodily injury to another person resulting in permanent and significant physical impairment. Currently, under § 18.2-56.1(A), recklessly handling a firearm so as to endanger the life, limb or property of another is a Class 1 misdemeanor.

Analysis:

Based on calendar year (CY) 2005 and CY2006 data from the Local Inmate Data System (LIDS), 116 offenders held pre- or post-trial in jail were convicted of a Class 1 misdemeanor for reckless handling of a firearm (§ 18.2-56.1(A)) as the most serious charge at conviction. While 18% of these offenders were sentenced to probation without an active term of incarceration, the majority (78%) were sentenced to a local-responsible (jail) term. For offenders who were sentenced to jail, the median sentence length was two months. The remaining four offenders (4%), sentenced for multiple counts of this offense or other misdemeanor charges, were given state-responsible (prison) terms. Misdemeanor data do not provide sufficient detail to identify which cases, if any, resulted in serious bodily injury.

Impact of Proposed Legislation:

State adult correctional facilities. By increasing the penalty for reckless handling of a firearm to a felony in certain circumstances, the proposal may increase the future 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 impact of the proposal on prison bed space cannot be determined.

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

Adult community corrections resources. Raising a crime from a Class 1 misdemeanor to a Class 6 felony may decrease the demand for local community-based probation services and increase the need for state community corrections resources. The *Code of Virginia*, however, allows judges to utilize local community-based probation programs for Class 5 and Class 6 felons as well as misdemeanants. Data are not available to estimate the impact on local or state community corrections resources that may result from the proposal.

Virginia's sentencing guidelines. As a new felony, violations of the proposed § 18.2-56.1(A1) would not be covered by the sentencing guidelines as the primary (most serious) offense. A conviction under this provision, however, could augment the guidelines recommendation if the most serious offense at sentencing is a covered offense. No adjustment to the sentencing 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.

Juvenile detention facilities. The Department of Juvenile Justice (DJJ) 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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