



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2004 (Patron – Crockett-Stark)

LD#: 09-7822480

Date: 12/29/2008

Topic: Firearm silencer registration

Fiscal Impact Summary:

<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• Juvenile Correctional Centers: None (\$0)• Juvenile Detention Facilities: None (\$0)
--	---

Summary of Proposed Legislation:

The proposal amends §18.2-308.6 regarding possession of firearm muffler or silencer. Under the current statute, it is a Class 6 felony for any person to possess any firearm muffler or silencer which is not registered to him in the National Firearms Registration and Transfer Record. The proposal would always make it a crime to possess a firearm muffler or silencer, but includes language granting an affirmative defense to prosecution under §18.2-308.6 if it is registered in the National Firearms Registration and Transfer Record.

Analysis:

According to fiscal year (FY) 2006 and FY2007 Pre-Sentence Investigation (PSI) data, there were no felony convictions under § 18.2-308.6 for possession of an unregistered firearm muffler or silencer during the time period.

Impact of Proposed Legislation:

State adult correctional facilities. The proposal expands an existing felony to cover registered mufflers and silencers, heretofore immune from prosecution, but provides for an affirmative defense if the firearm is registered. It is possible that this change could result in additional felony convictions, but there is no way to estimate how many. The impact of the proposal, if any, on state-responsible (prison) bed space is likely to be negligible.

Local adult correctional facilities. Although the impact on local-responsible (jail) bed space cannot be determined, it is likely to be negligible.

Adult community corrections programs. Any impact on adult community corrections programs cannot be determined but is likely to be negligible.

Virginia's sentencing guidelines. The guidelines do not cover convictions under § 18.2-308.6 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, the proposal will not increase juvenile correctional center bed space needs.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal will not 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.

silencer01_7822