



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2178 (Patrons – Scott, E.T. and Bell)

ID#: 09-8494716

Date: 12/22/2008

Topic: Possession of ammunition by convicted felons

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:**
Cannot be determined
- **Juvenile Detention Facilities:**
Cannot be determined

Summary of Proposed Legislation:

The proposal amends § 18.2-308.2 to expressly forbid a convicted felon from possessing ammunition and to punish this act in the same manner as a felon who possesses a prohibited weapon other than a firearm. Possession of such a weapon is a Class 6 felony. Mandatory minimum penalties under § 18.2-308.2 apply only if a convicted felon possesses a firearm.

The General Assembly has revisited § 18.2-308.2 several times. In the 2007 session, specific references to tasers were removed from the statute, leaving the broader term of “stun weapon.” The 2005 General Assembly extended § 18.2-308.2 to prohibit juveniles adjudicated for certain violent felonies from ever possessing a firearm (previously, this prohibition expired on the offender’s 29th birthday). Section 18.2-308.2 was also amended in 2005 to remove the mandatory minimum penalty for nonviolent offenders unlawfully possessing firearms if their previous felony convictions were more than 10 years old. During the 2004 session, convicted felons were prohibited from possessing or transporting explosive material. Technical changes made language regarding mandatory minimums consistent throughout the *Code*.

Analysis:

According to fiscal (FY) 2006 and FY2007 Pre/Post Sentence Investigation (PSI) data, there were 40 convictions for a felon possessing a weapon other than a firearm. Approximately 44% of the offenders were sentenced to a state-responsible (prison) term and were given a median sentence of two years. Another 38% were given a local-responsible (jail) term, for which the median sentence was six months. The remaining 18% were sentenced to probation without an active term of incarceration.

Impact of Proposed Legislation:

State adult correctional facilities. Because the proposal expands the applicability of an existing felony provision, the proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. Criminal justice databases are insufficient to determine the additional number of

offenders who would be prosecuted, convicted, and sentenced under this provision. Therefore, the magnitude of the impact cannot be determined.

Local adult correctional facilities. The proposal may also have an impact on local-responsible (jail) bed space needs. However, the magnitude of the impact cannot be determined.

Adult community corrections resources. 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 state community corrections resources. The potential impact on community corrections resources cannot be quantified.

Virginia's sentencing guidelines. Convictions under § 18.2-308.2 are covered by the sentencing guidelines. No adjustment to the guidelines is necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice, the impact of the proposal on juvenile correctional center bed space needs cannot be determined.

Juvenile detention facilities. According to the Department of Juvenile Justice, the impact of the proposal on the bed space needs of juvenile detention facilities cannot be determined.

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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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