

Department of Planning and Budget

2010 Fiscal Impact Statement

1. Bill Number: HB 72

House of Origin	<u>X</u>	Introduced	<u> </u>	Substitute	<u> </u>	Engrossed
Second House	<u> </u>	In Committee	<u> </u>	Substitute	<u> </u>	Enrolled

2. Patron: Carrico

3. Committee: Militia, Police and Public Safety

4. Title: Possession of firearms on school property

5. Summary:

Currently, it is a Class 6 felony to possess a firearm on school property. Furthermore, possessing a firearm on school property with the intent to use it or displaying it in a threatening manner is subject to a mandatory minimum sentence of five years.

The proposed legislation would reduce the offenses related to firearms on school property as follows:

- Possession of firearms on school property—Class 1 misdemeanor;
- Possession of a firearm on school property with intent to use it unlawfully, threaten or endanger another person or actually using firearm unlawfully or threatening or endangering another person—Class 6 felony; and
- Unlawfully discharging firearm on school property—mandatory minimum sentence of five years.

6. Fiscal Impact Estimates: Preliminary. See Item 8.

7. Budget Amendment Necessary: None.

8. Fiscal Implications:

The proposed legislation would reduce the penalty for possession of firearms on school property from a Class 6 felony to a Class 1 misdemeanor. For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 5 years in prison. The maximum sentence for a Class 1 misdemeanor is twelve months in jail. Therefore, the legislation will not result in additional persons housed in prison and could even result in fewer offenders committed to prison. On the other hand, it could result in additional offenders housed in jails. There is not sufficient information available to project how many offenders would be affected.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections
Local and regional jails

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/9/2010 dpb