

Department of Planning and Budget 2011 Fiscal Impact Statement

1. **Bill Number:** HB1669

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. **Patron:** McClellan

3. **Committee:** Militia, Police and Public Safety

4. **Title:** Transfer of firearms; criminal records check; penalties.

5. **Summary:** Adds a definition of 'firearms show vendor' and requires that a criminal history record information check be performed on the prospective transferee before the vendor may transfer firearms at a gun show. Under current law, only licensed dealers must obtain such a check. The bill also adds a definition of 'promoter' and requires that the promoter of a gun show provide vendors with access to licensed dealers who will conduct the criminal background check.

6. **Budget Amendment Necessary:** Yes. Item 380.

7. **Fiscal Impact Estimates:** Preliminary.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2011	\$0	0	
2012	\$50,000	0	General Fund
2013	\$0	0	
2014	\$0	0	
2015	\$0	0	
2016	\$0	0	
2017	\$0	0	

8. **Fiscal Implications:** According to the Virginia Criminal Sentencing Commission, the impact of the proposed legislation on state and local adult beds, and adult community correction resources, cannot be determined. Due to this, Chapter 874 of the 2010 Acts of Assembly required the Commission to identify a minimum fiscal impact of \$50,000, which would need to be appropriated to the Department of Corrections (Item 380). Also, the Commission stated that the Department of Juvenile Justice did not expect a fiscal impact from the proposal on their correction centers or detention facilities.

According to the Department of State Police, the proposed legislation is not expected to have a fiscal impact.

In addition, it should be noted that the proposal also implements a Class 2 misdemeanor penalty. Although insufficient data exists to determine the fiscal impact, the proposal could result in an increase in the jail population since Class 2 misdemeanor outcomes result in sentences of up to 6 months in jail (and a fine up to \$1,000). Any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail. It also funds most of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's FY2009 Jail Cost Report (November 1, 2010), the estimated total state support for local and regional jails averaged \$33.01 per state inmate, per day in FY 2009.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, Compensation Board, local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 1/20/2011

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