



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 1660 (Patron – Stolle)

LD#: 13101209

Date: 12/26/2012

Topic: Possession of weapons by prisoners

#### Fiscal Impact Summary:

- **State Adult Correctional Facilities:**  
None (\$0)
- **Local Adult Correctional Facilities:**  
None (\$0)
- **Adult Community Corrections Programs:**  
None (\$0)

- **Juvenile Correctional Centers:**  
None (\$0)
- **Juvenile Detention Facilities:**  
None (\$0)

#### Summary of Proposed Legislation:

Currently, under § 18.2-308.2, possession or transportation of a firearm, ammunition, stun weapon or explosive material by a convicted felon is punishable as a Class 6 felony. The proposed legislation would expand this prohibition to include prisoners in state, local, or community correctional facilities, or those in the custody of employees thereof. This offense is currently punishable as a Class 6 felony under subsections 4 and 7 of § 53.1-203, relating to the possession, etc., of firearms, ammunition, or other items capable of causing death or bodily injury by prisoners in state, local, or community correctional facilities, or those in the custody of employees of such facilities.

#### Analysis:

Currently, prisoners in state, local, or community correctional facilities, or those in the custody of employees of such facilities, may be charged with a Class 6 felony for possessing or transporting a firearm, ammunition, stun weapon or explosive material under subsections 4 or 7 of § 53.1-203.

According to fiscal year (FY) 2012 data from the Circuit Court Case Management System<sup>1</sup>, 39 offenders were convicted of a felony violation of § 53.1-203(4) or (7). This offense was the primary, or most serious, offense in 27 of the cases. Nearly half (48.1%) of these offenders were sentenced to a local-responsible (jail) term, for which the median sentence was six months. Another 40.7% of the offenders were sentenced to a state-responsible (prison) term with a median sentence of two years. The remaining three offenders did not receive an active term of incarceration to serve after sentencing.

#### Impact of Proposed Legislation:

**State adult correctional facilities.** The proposed legislation is unlikely to increase the future state-responsible (prison) bed space needs of the Commonwealth. While the proposal expands the felony

<sup>1</sup> Formerly referred to as the Court Automated Information System (CAIS).

provisions in § 18.2-308.2, the behavior that would be covered under the proposal is already punishable as a Class 6 felony under existing law (§ 53.1-203). As a result, the proposal is not expected to affect the state-responsible population.

**Local adult correctional facilities.** Similarly, the proposal is not expected to increase local-responsible (jail) bed space needs.

**Adult community corrections programs.** The proposal is not expected to have an impact on adult community corrections programs.

**Virginia's sentencing guidelines.** No adjustment to the guidelines would be necessary under the proposal.

**Juvenile correctional centers.** The Department of Juvenile Justice reports that this proposal would have no impact on bed space needs for juvenile correctional centers.

**Juvenile detention facilities.** The Department of Juvenile Justice reports that this proposal would have no impact on juvenile detention center bed space needs.

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**Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 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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