

Department of Planning and Budget 2013 Fiscal Impact Statement

1. Bill Number: SB 1378

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Garrett

3. Committee: Senate Courts of Justice

4. Title: Straw buyers of firearms

5. Summary:

The proposed legislation would strengthen several existing provisions dealing with providing firearms to persons prohibited from possessing or purchasing them:

1. It is now a Class 6 felony (up to 12 months in jail or 1 to 5 years in prison) to sell or otherwise provide a firearm to a person who is prohibited by law from possessing or transporting a firearm. The proposed legislation would elevate the offense to a Class 4 felony (2 to 10 years in prison).
2. It is a Class 5 felony (up to 12 months in jail or 1 to 10 years in prison) to purchase a firearm with the intent to resell or otherwise provide such firearm to someone who is ineligible to purchase a firearm. The proposed legislation would elevate the penalty to a Class 4 felony, with a mandatory minimum sentence of one year.
3. It is a Class 5 felony, with a mandatory minimum term of five years, for anyone ineligible to purchase a firearm to solicit, employ or assist another person to purchase a firearm with the intent to transfer the firearm to that person who is ineligible to purchase it. The proposed legislation would elevate the offense to a Class 4 felony. Furthermore, for any transfer involving more than one firearm, the proposed legislation would impose a mandatory minimum sentence of 10 years.

Finally, the proposed legislation would require that any mandatory minimum sentence imposed for these offenses be served consecutively with any other sentence.

6. Budget Amendment Necessary: Yes. Item 389.

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2013		
2014	\$46,773	General
2015		
2016		
2017		
2018		

8. Fiscal Implications:

By elevating existing felony offenses and requiring the imposition of mandatory minimum sentences, the proposed legislation could result in more persons being housed in prison.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$46,773 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in two additional inmates being incarcerated in prison.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections**10. Technical Amendment Necessary:** None.**11. Other Comments:** None.

Date: 2/10/2013

Document: G:\LEGIS\fis-13\sb1378.docx Dick Hall-Sizemore