



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 396

(Patron – Vogel)

LD#: 14103325

Date: 1/6/2014

Topic: Firearm transfers

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:

The proposal amends § 18.2-308.2:2 of the *Code of Virginia*, relating to the purchase and sale of firearms. Currently, § 18.2-308.2:2 requires that all individuals purchasing a firearm from a dealer provide written consent to have the dealer obtain criminal history record information and present a form of government-issued photo identification, along with other documents. Prior to selling, renting, transferring, etc., a firearm, the dealer must first receive a report from the Department of State Police that the person is not prohibited from possessing or transporting a firearm under state or federal law. Under the proposal, these procedures could be bypassed if the prospective purchaser presents the dealer with a valid concealed handgun permit and a form of government-issued photo identification.

Subsection L of § 18.2-308.2:2 makes it a Class 6 felony for any firearms dealer to willfully and intentionally sell, rent, trade, or transfer a firearm in violation of this section. Under § 18.2-308.2:2(K), making a materially false statement on a consent form that is required to purchase a firearm from a licensed dealer is a Class 5 felony. Individuals who forge a concealed handgun permit may be subject to the Class 4 felony penalty for forgery of a public record under § 18.2-168.

Analysis:

According to the Circuit Court Case Management System (CMS)¹ for fiscal year (FY) 2009 through FY2013, no firearms dealers were convicted of a Class 6 felony under § 18.2-308.2:2(L) for selling or transferring a firearm in violation of § 18.2-308.2:2.

¹ Formerly referred to as the Court Automated Information System (CAIS).

Impact of Proposed Legislation:

State adult correctional facilities. Since the proposal allows for a simplified process for transferring firearms under certain circumstances and because there were no convictions under § 18.2-308.2:2(L) relating to dealers selling or transferring firearms in violation of § 18.2-308.2:2 during a recent five-year period, the proposal is not expected to increase state-responsible (prison) bed space needs of the Commonwealth.

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 increase the need for adult community corrections resources.

Virginia's sentencing guidelines. Felony violations of § 18.2-308.2:2(K), making a false statement on a consent form, are covered by the sentencing guidelines when this crime is the primary (most serious) offense. Felony convictions under § 18.2-308.2:2(L) are not covered by the sentencing guidelines as the primary offense. No adjustment to the guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice, the proposal is not expected to increase juvenile correctional center bed space needs.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal is not expected to increase the bed space needs of juvenile detention facilities.

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 \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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