



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 423 (Patrons – Simon et al.)

LD#: 16100371

Date: 12/15/2015

Topic: Possession of firearms in school zones

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
None (\$0)
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Correctional Centers:**
Cannot be determined*
- **Juvenile Detention Facilities:**
Cannot be determined*

* Provided by the Department of Juvenile Justice

Summary of Proposed Legislation:

The proposal adds § 18.2-308.1:01, relating to firearms, to the *Code of Virginia*.

Currently, under § 18.2-308.1(B), any person who possesses a firearm on school grounds, during school-sponsored functions, or on a school bus is guilty of a Class 6 felony. Under the proposal, any person who possesses a firearm in a school zone, defined as the area within a distance of 1,000 feet from a school, would be guilty of a Class 1 misdemeanor. The proposal also establishes several exceptions to this prohibition. Possession of a firearm within 1,000 feet of a school is currently prohibited under federal law (18 U.S.C. § 922(q)(2)).

Pursuant to § 18.2-311.2, a third or subsequent Class 1 misdemeanor weapons violation (defined in Article 4, 5, 6, or 7 of Chapter 7 of Title 18.2) is punishable as a Class 6 felony.

Analysis:

Available data do not contain sufficient detail to determine the number of new convictions likely to result from enactment of the proposal. Individuals who accumulate three or more misdemeanor weapons convictions could be found guilty of a Class 6 felony under § 18.2-311.2. A review of fiscal year (FY) 2010 to FY2015 Circuit Court Case Management System (CMS) data for all felony convictions under § 18.2-311.2 revealed that, during the six-year period, none of the offenders received a state-responsible (prison) sentence.

Impact of Proposed Legislation:

State adult correctional facilities. Although offenders convicted of a Class 1 misdemeanor under the proposal could, in the future, be convicted of a Class 6 felony under § 18.2-311.2 if they accumulate three or more weapon convictions, available data indicate that, in the six most recent fiscal years, no offender convicted of a felony under § 18.2-311.2 has received a state-responsible (prison) sentence. Therefore, the proposal is not expected to have an impact on the state-responsible (prison) bed space needs of the Commonwealth during the six-year window specified by § 30-19.1:4 for legislative impact statements.

Local adult correctional facilities. By creating a new Class 1 misdemeanor, the proposal may increase local-responsible (jail) bed space needs. However, data do not contain sufficient detail to estimate how many additional misdemeanor convictions may result if the proposal is enacted. Therefore, the magnitude of the impact on jail beds cannot be quantified.

Adult community corrections programs. The proposal could result in convictions and subsequent supervision requirements for an additional number of offenders, which may increase the need for local and/or state community corrections resources. The number of new convictions likely to result from the proposal cannot be determined; therefore, the potential impact on community corrections resources cannot be quantified.

Virginia's sentencing guidelines. Felony convictions under § 18.2-311.2 are not covered by the sentencing guidelines when this crime is the primary, or most serious, offense in a case. However, a conviction for this offense could augment the guidelines recommendation if the most serious offense at sentencing is covered by the guidelines. No adjustment to the guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), the impact of the proposal on juvenile correctional center (JCC) bed space needs cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal's impact on the bed space needs of juvenile detention facilities cannot be determined.

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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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