

Department of Planning and Budget

2017 Fiscal Impact Statement

1. Bill Number: HB 1684

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: Simon

3. Committee: Militia, Police and Public Safety

4. Title: Restricting access to firearms by children; mental state; penalty.

5. Summary: Removes the requirement that conduct required for a conviction of unlawfully leaving a loaded, unsecured, firearm, in such a manner as to endanger the life or limb of any child under the age of 14, be reckless. The bill increases the penalty for such violation from a Class 3 misdemeanor to a Class 1 misdemeanor.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Indeterminate. See below.

8. Fiscal Implications: The current law carries a penalty of a Class 3 misdemeanor for violation of this section. Class 3 misdemeanors are punishable by a fine of not more than \$500. All revenues generated from such fines are deposited into the Literary Fund of the Commonwealth.

The proposed legislation would increase the penalty for violation of this section to a Class 1 misdemeanor. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail, a fine up to \$2,500, or both. There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Ultimately, the presiding judge will decide if there is to be any time served in jail; however, any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanant 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 most recent Jail Cost Report (November 2016), the estimated total state support for local jails averaged \$32.82 per inmate, per day in FY 2015.

9. Specific Agency or Political Subdivisions Affected: Local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.