

Department of Planning and Budget

2018 Fiscal Impact Statement

1. Bill Number: HB1009

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|------------------------|--|-------------------------------------|------------------------------------|
| 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: Toscano

3. Committee: Militia, Police and Public Safety

4. Title: Prohibited public carrying of certain firearms; penalty.

5. Summary: Adds the City of Charlottesville and the County of Albemarle to the list of localities in which carrying (i) certain loaded firearms with that will hold more than 20 rounds of ammunition, are designed to accommodate a silencer or equipped with a folding stock and (ii) a loaded shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered is prohibited. Violation of this provision is punishable as a Class 1 misdemeanor. Current law also provides that an offender with three or misdemeanor weapons convictions is guilty of a Class 6 felony.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. 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 a large portion 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 2017), the estimated total state support for local jails averaged \$34.58 per inmate, per day in FY 2016.

The proposed legislation has the potential to increase the number of offenders convicted of a third qualifying offense, which would be punishable as a Class 6 felony with a sentence of up to one year in jail, or 1 to 5 years in prison. However, according to the Virginia Criminal Sentencing Commission, there have been no felony convictions that have resulted in state-responsible (prison) sentences. It has therefore concluded that the proposal is not expected to impact state-responsible (prison) bed space needs.

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

10. Technical Amendment Necessary: None

11. Other Comments: None