



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 1327 (Patron – Edmunds)

LD #: 18103983

Date: 01/08/2018

Topic: Possession of certain weapons on school property

#### Fiscal Impact Summary:

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

- **Juvenile Direct Care:**  
Cannot be determined\*
- **Juvenile Detention Facilities:**  
Cannot be determined\*

\*Provided by the Department of Juvenile Justice

#### Summary of Proposed Legislation:

The proposal amends § 18.2-308.1, relating to the possession of firearms and other specified weapons on school property, to expand the applicability of this statute.

Currently, it is a Class 1 misdemeanor to possess certain types of weapons (such as stun guns, certain knives, or other weapons similar to those designated in § 18.2-308(A)) on school property. It is a Class 6 felony to possess a firearm on school property under § 18.2-308.1(B); this offense carries a mandatory minimum term of five years if the firearm is possessed on school property with intention to use or display it in a threatening manner (§ 18.2-308.1(C)).

The proposal would include a pneumatic gun (as defined in § 15.2-915.4) in the list of prohibited weapons under § 18.2-308.1(B); possessing a pneumatic gun on certain properties enumerated under this section would be punishable as a Class 6 felony. The proposal also modifies the exceptions under this statute to permit the possession of a pneumatic gun in a closed container in a motor vehicle.

#### Analysis:

Existing databases do not provide sufficient detail to identify the number of new felony convictions likely to result from enactment of the proposal. However, individuals convicted under the proposal may be sentenced similarly to offenders who are currently convicted of a Class 6 felony under § 18.2-308.1 for possessing a firearm on school property.

According to the Sentencing Guidelines database for fiscal year (FY) 2012 through FY2017, 30 offenders were convicted of a Class 6 felony under § 18.2-308.1(B) for possessing a firearm on school property. The felony violation of § 18.2-308.1(B) was the primary, or most serious, offense in 23 of the cases.

The majority (65.2%) of these offenders did not receive an active term of incarceration to serve after sentencing. The remaining 34.8% of the offenders received a local-responsible (jail) term for which the median sentence was 2.5 months. None of these offenders received a state-responsible (prison) term.

These data do not include cases of juveniles adjudicated in Virginia's Juvenile and Domestic Relations (JDR) Courts.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** By including a pneumatic gun in the list of prohibited weapons, the proposal expands the applicability of the felony offense defined in § 18.2-308.1(B). In the six most recent fiscal years, however, no offender convicted of a felony under § 18.2-308.1(B) has received a state-responsible (prison) sentence. Therefore, the proposal is not expected to impact 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 expanding the applicability of an existing Class 6 felony, the proposal may increase local-responsible (jail) bed space needs. Because the number of new convictions resulting from the proposal cannot be determined, the magnitude of the impact on jail beds cannot be estimated.

**Adult community corrections programs.** Because the proposal could result in felony convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for adult community corrections resources. Since the number of cases that may be affected cannot be determined, the potential impact on community corrections resources cannot be quantified.

**Virginia's sentencing guidelines.** The sentencing guidelines cover violations of simple possession of a firearm on school property under § 18.2-308.1(B) handled in Virginia's circuit courts. No adjustment to the guidelines would be necessary under the proposal.

**Juvenile direct care.** According to the Department of Juvenile Justice, the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) 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.

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**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.**