



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 819

(Patron – Kory)

LD#: 18104669

Date: 1/9/2018

Topic: Sale or possession of certain mechanical devices for firearms

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000*
- **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

* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 836 of the 2017 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

The proposal adds § 18.2-308.5:1 to the *Code of Virginia*, relating to firearms. Under the proposal, any person who manufactures, imports, sells, offers for sale, possesses, transfers, or transports any mechanical device designed to increase the firing rate of any semi-automatic firearm would be guilty of Class 6 felony.

Analysis:

Existing databases do not provide sufficient detail to identify the number of new convictions likely to result from enactment of the proposal. Although not specific to this proposal, information pertaining to offenders convicted under various existing firearm provisions can be found in the table below.

Offenders Convicted of Select Felony Firearm Offenses, FY2012-FY2017

Primary Offense	Total Number of Cases	Percent Sentenced to Probation	Percent Sentenced to Jail	Median Jail Sentence	Percent Sentenced to Prison	Median Prison Sentence
Carry loaded firearm with specified features in certain localities (§ 18.2-287.4)	28	57.1%	42.9%	1.7 mos.	N/A	N/A
Third or subsequent misdemeanor weapons violation (§ 18.2-311.2)	4	100.0%	N/A	N/A	N/A	N/A

Offenders Convicted of Select Felony Firearm Offenses, FY2012-FY2017 (continued)

Possession/transport of assault firearm by person not a citizen and not admitted for permanent residence (§ 18.2-308.2:01(A))	0	N/A	N/A	N/A	N/A	N/A
Possession/transport of firearm by person not lawfully present (§ 18.2-308.2:01(B))	17	35.3%	29.4%	5.0 mos.	35.3%	1.5 yrs.
Dealer sell/transfer firearm in violation of section (§ 18.2-308.2:2(L))	0	N/A	N/A	N/A	N/A	N/A
Import, sell, possess or transfer restricted Striker 12 or like semi-automatic shotgun (§ 18.2-308.8)	0	N/A	N/A	N/A	N/A	N/A

Note: The analysis is based on cases in which the specified offense was the primary, or most serious, offense in the sentencing event.

Sources: Supreme Court of Virginia - Circuit Court Case Management System (CMS), FY2012-FY2017 and Supreme Court of Virginia – General District Court Case Management System (CMS), FY2012-FY2017

Impact of Proposed Legislation:

State adult correctional facilities. Because it creates a new Class 6 felony, the proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. However, existing data do not provide sufficient detail to estimate the number of new felony convictions that could result from enactment of the proposal. Therefore, the impact on prison bed space needs cannot be determined.

Local adult correctional facilities. Similarly, the proposal may increase the local-responsible (jail) bed space needs, but the magnitude of the impact cannot be determined.

Adult community corrections programs. Because the proposal could result in felony convictions and subsequent supervision requirements for additional offenders, the proposal may increase the need for adult community corrections resources. However, the impact on community corrections programs cannot be calculated.

Virginia's sentencing guidelines. Felony convictions under the proposed 18.2-308.5:1 would not be covered by the sentencing guidelines when these offenses are the primary, or most serious, offense in a case. However, convictions under this statute 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 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.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 836 of the 2017 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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