

Department of Planning and Budget 2018 Fiscal Impact Statement

1. **Bill Number:** HB949

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Lopez

3. **Committee:** Militia, Police and Public Safety

4. **Title:** Firearm transfers by dealers

5. **Summary:** The proposed legislation would require dealers to wait up to five business days and it removes the provision that allows for the immediate sale, rent, and transfer, etc., of a firearm if notified by the Virginia State Police (VSP) that a response will not be available by the end of the dealer's next business day. Currently, a licensed firearm dealer must receive a report from the Department of State Police that a person is not prohibited from possessing or transporting a firearm under state or federal law prior to selling, renting, transferring, etc., a firearm. However, dealers are permitted to transfer a firearm without this confirmation if they have not received a response from State Police by the end of the dealer's next business day. It is currently a Class 6 felony for firearms dealers to sell, rent, trade, or transfer a firearm in violation of this section.

6. **Budget Amendment Necessary:** No.

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

8. **Fiscal Implications:** According to the VSP, the proposed legislation is not anticipated to have fiscal impact on the agency's operations because this bill will increase the amount of time that the agency has to process background check requests from dealers. Because this bill will result in more people being convicted of a Class 6 felony, this bill could increase the future state responsible (prison) bed space needs of the Commonwealth. For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or one to five years in prison. However, according to data from the Virginia Sentencing Commission, no firearms dealers were convicted of a Class 6 felony under this code section from FY2012-FY2017. Therefore, at this time, there is not enough information available to reliably estimate how many additional inmates in jail or prison could result from this proposal.

9. **Specific Agency or Political Subdivisions Affected:** Department of State Police, Department of Corrections, Local and Regional Jails

10. **Technical Amendment Necessary:** No.

11. **Other Comments:** None.