



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 4013 (Patron – Norment)

LD#: 19200113

Date: 07/02/2019

Topic: Possession or transport of dangerous weapons in local government buildings

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 854 of the 2019 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

The proposal amends § 18.2-283.1 of the *Code of Virginia*, relating to carrying a weapon into a courthouse.

Currently, under § 18.2-283.1, it is unlawful for a person to possess or carry into a courthouse any gun, weapon designed to propel a missile or projectile, silencer, ammunition for a dangerous weapon, explosives, stun weapon or any weapon specified in subsection A of § 18.2-308. Violation of this provision is punishable as a Class 1 misdemeanor.

The proposal would increase the penalty for possession or transport of a weapon, etc., into a courthouse to a Class 6 felony. The proposal would also expand this provision to prohibit the possession or transport of a weapon, etc., into any building owned or used by a locality for governmental purposes.

Analysis:

Existing data sources do not contain sufficient detail to estimate the number of new felony convictions that may result from the proposal's enactment.

According to FY2013-FY2018 data from the General District Court Case Management System (CMS), 21 offenders were convicted of a Class 1 misdemeanor under § 18.2-283.1 during the six-year period. Of these, eight offenders were sentenced to jail terms with a median sentence of 1.6 months, while the remaining 13 offenders were not sentenced an active term of incarceration to serve after sentencing.

Impact of Proposed Legislation:

State adult correctional facilities. Because it raises an existing crime from a Class 1 misdemeanor to a Class 6 felony and expands the applicability of the statute, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, existing databases do not provide sufficient detail to estimate the number of new felony convictions likely to result from enactment of the proposal. As a result, the magnitude of the impact on prison bed space needs cannot be quantified.

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

Adult community corrections resources. Because the proposal could result in new 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. As a new felony offense, convictions under § 18.2-283.1 would not be covered by the sentencing guidelines when the crime is the primary (most serious) offense in a case. Conviction for such an offense, however, 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 (DJJ), the impact of the proposal on juvenile correctional center 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 854 of the 2019 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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