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HOUSE BILL NO. 1687

Offered January 17, 2020

A BILL to amend the Code of Virginia by adding sections numbered 9.1-104.1 and 9.1-104.2 and by adding in Title 58.1 a chapter numbered 6.3, consisting of a section numbered 58.1-663, relating to Violence Intervention and Prevention Fund and Grant Program; firearm and ammunition tax.

Patron—Rasoul

Referred to Committee on Finance

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 9.1-104.1 and 9.1-104.2 and by adding in Title 58.1 a chapter numbered 6.3, consisting of a section numbered 58.1-663, as follows:

§ 9.1-104.1. Violence Intervention and Prevention Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Violence Intervention and Prevention Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose, all revenues accruing to the Fund pursuant to the provisions of Chapter 6.3 (§ 58.1-663 et seq.) of Title 58.1, and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The Fund shall be administered by the Department. Moneys in the Fund shall be used solely for the purpose of providing grants, as provided in § 9.1-104.2, to improve public health and safety by financing violence reduction research and by supporting effective violence reduction initiatives in schools and in communities that are disproportionately impacted by violence, particularly homicides, shootings, and aggravated assaults. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

§ 9.1-104.2. Violence Intervention and Prevention Grant Program.

A. The Department shall administer and adopt guidelines for the administration of a Violence Intervention and Prevention Grant Program. Grants may be used to support, expand, and replicate evidence-based violence reduction initiatives, including hospital-based violence intervention programs, street outreach programs, and focused deterrence strategies, that seek to interrupt cycles of violence and retaliation in order to reduce the incidence of homicides, shootings, and aggravated assaults. Grants may be used to fund the hiring of counselors in public elementary and secondary schools and to fund research organizations that have the objective of reducing gun violence. The Program shall focus on providing grants to initiatives that provide violence intervention services to communities identified as having the highest risk of perpetrating or being victimized by violence in the near future.

B. 1. The Department shall issue grants on a competitive basis to research organizations that have the objective of reducing gun violence; localities that are disproportionately impacted by violence, as provided in subdivision B 2; community-based organizations that serve the residents of such localities; and school boards in those localities. In awarding grants, the Department shall give preference to applicants whose grant proposals demonstrate the greatest likelihood of reducing the incidence of homicides, shootings, and aggravated assaults in the applicant's community, without contributing to mass incarceration. The amount of funds awarded to an applicant shall be based on the scope of the applicant's proposal and the applicant's demonstrated need for additional resources to address violence in the applicant's community.

2. For purposes of this section, a locality is disproportionately impacted by violence if it meets any of the following criteria:

a. The locality experienced 20 or more homicides per calendar year during two or more of the three calendar years immediately preceding the grant application;

b. The locality experienced 10 or more homicides per calendar year and had a homicide rate that was at least 50 percent higher than the statewide homicide rate during two or more of the three calendar years immediately preceding the grant application; or

c. The locality otherwise demonstrates a unique and compelling need for additional resources to address the impact of homicides, shootings, and aggravated assaults in the locality.

C. An applicant for a grant shall submit a proposal, in a form prescribed by the Department, which shall include:

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- 59 1. Clearly defined and measurable objectives for the grant;
60 2. A statement describing how the applicant proposes to use the grant to implement a violence
61 reduction initiative in accordance with this section;
62 3. A statement describing how the applicant proposes to use the grant to enhance coordination of
63 existing violence intervention and prevention programs and minimize duplication of services; and
64 4. Evidence indicating that the proposed violence reduction initiative would likely reduce the
65 incidence of homicides, shootings, and aggravated assaults.
66 D. 1. Any locality that receives a grant pursuant to this section shall distribute no less than 50
67 percent of such grant funds to one or more of any of the following types of entities:
68 a. Community-based organizations; or
69 b. Public agencies or departments, other than law-enforcement agencies, that are primarily dedicated
70 to community safety or violence prevention.
71 2. Any grant recipient shall, as a condition of receiving a grant, commit a cash or in-kind
72 contribution equivalent to the amount of the grant. The Department may waive this requirement for
73 good cause.
74 3. Any grant recipient shall report to the Department, in a form and at intervals prescribed by the
75 Department, its progress in achieving the grant objectives.
76 E. The Department shall, no later than January 1, 2023, and every third year thereafter, prepare and
77 submit a report to the Chairmen of the House and Senate Committees for Courts of Justice regarding
78 the impact of the violence reduction initiatives supported by the Program.
79 F. The Department shall make reports from grant recipients available to the public.

CHAPTER 6.3.

FIREARM AND AMMUNITION TAX.

§ 58.1-663. Firearm and ammunition tax.

A. For purposes of this section:

"Ammunition" means any ammunition for a firearm, as defined in § 18.2-308.2.

"Dealer" means the same as such term is defined in § 18.2-308.2:2.

"Firearm" means any assault firearm, firearm, or handgun, as such terms are defined in § 18.2-308.2:2. "Firearm" shall not include any antique firearm or curios or relics, as such terms are defined in § 18.2-308.2:2.

"Law-enforcement officer" means the same as such term is defined in § 9.1-101.

B. There is imposed a tax of 15 percent of the sales price of any firearm or ammunition that is sold by a dealer, by a seller at any event required to be registered as a gun show, or by any other person who sells a firearm or ammunition within the Commonwealth. The tax shall be collected by the dealer or seller at the time of sale and remitted to the Department. The Department shall administer the collection of this tax in accordance with the provisions of Chapter 6 (§ 58.1-600 et seq.), *mutatis mutandis*.

C. The tax imposed pursuant to this section shall not apply to the sale of any firearm or ammunition to a state or local agency or to a law-enforcement officer for use in the normal course of his employment.

D. All revenue collected pursuant to this section shall accrue to the Violence Intervention and Prevention Fund established pursuant to § 9.1-104.1.