



## Fiscal Impact Statement for Proposed Legislation

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### Virginia Criminal Sentencing Commission

#### House Bill No. 1076 (Patron – Adams, D.M.)

LD#: 20104523

Date: 12/27/2019

Topic: Carrying concealed weapons

#### Fiscal Impact Summary:

- **State Adult Correctional Facilities:**  
None (\$0)
- **Local Adult Correctional Facilities:**  
None (\$0)
- **Adult Community Corrections Programs:**  
None (\$0)

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

\*Provided by the Department of Juvenile Justice

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#### Summary of Proposed Legislation:

The proposal amends § 18.2-308 to modify the list of weapons that may not be carried in a concealed manner in Virginia. Currently, under § 18.2-308, a person may not carry about his person, hidden from common observation, specified types of weapons such as firearms, certain knives, nun chucks, pointed throwing disks, and slingshots. The proposal replaces “slingshot” with “slingbow.” Currently, several sections of the *Code* include references to slingshot and/or slingbow; however, no specific definition of slingshot or slingbow is found in the *Code of Virginia*.

The proposal also removes the Harbormaster of the City of Hopewell from the list of individuals who, while in the discharge of their official duties, or while in transit to or from such duties, are excepted from the prohibition on carrying a concealed weapon

Title 29.1 of the *Code* pertains to game, inland fisheries, and boating and establishes the administrative authority of the Virginia Department of Game and Inland Fisheries (VDGIF) over these matters. Per § 29.1-519, slingshots and slingbows may be used for hunting certain game in Virginia. A special archery license is required for hunting with a bow and arrow, including a slingbow. According to the VDGIF, a slingshot can be described as a forked stick with an elastic band attached for shooting small stones, while a slingbow is essentially a slingshot that has been converted to launch arrows.<sup>1</sup> A slingbow is more powerful than a slingshot and has an arrow rest allowing it to shoot a full-length arrow.

Carrying a concealed weapon in violation of § 18.2-308 is a Class 1 misdemeanor for the first conviction. A second conviction is a Class 6 felony, while any third or subsequent conviction is a Class 5 felony.

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<sup>1</sup> Guess, Thomas. “Re: Request for Information.” Message to Meredith Farrar-Owens. December 16, 2019. E-mail.

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**Analysis:**

According to fiscal year (FY) 2018 and FY2019 Sentencing Guidelines data, 89 offenders were convicted under § 18.2-308 for a second offense of carrying a concealed weapon. This was the primary, or most serious, offense in 53 cases. Of these, half (52.8%) of the offenders were given a local-responsible (jail) term with a median sentence of seven months. Another 13.2% received a state-responsible (prison) term for which the median sentence was one year. The remaining 34.0% did not receive an active term of incarceration to serve after sentencing.

Sentencing Guidelines data for the same two-year period indicate that 14 offenders were convicted of a third or subsequent offense of carrying a concealed weapon. Among the eight offenders for whom this was the most serious offense, 50% were given a jail term (median sentence of seven months), with another 25% committed to prison (median sentence of 3.3 years). No active term of incarceration was ordered for the remaining 25%.

According to the FY2018 and FY2019 General District Court Case Management System (CMS) data, 2,245 offenders were convicted of a misdemeanor under § 18.2-308 for carrying a concealed weapon. Approximately one-third (32.2%) received a jail term; the median sentence for these offenders was one month.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** The proposal amends § 18.2-308 to modify the list of weapons that may not be carried in a concealed manner by replacing “slingshot” with “slingbow.” To the extent that a slingbow is considered a modified slingshot, carrying a concealed slingbow may already be covered by the existing statute. If so, the proposal is not expected to increase the future state-responsible (prison) bed space needs of the Commonwealth.

**Local adult correctional facilities.** Similarly, the proposal is not expected to increase local-responsible (jail) bed space needs.

**Adult community corrections programs.** The proposal is unlikely to increase the need for community corrections resources in the Commonwealth.

**Virginia’s sentencing guidelines.** Felony convictions under § 18.2-308 are covered by the sentencing guidelines. Misdemeanor convictions are not covered by the guidelines as the primary, or most serious, offense. Such convictions, 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, 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.**