

Department of Planning and Budget 2020 Fiscal Impact Statement

1. **Bill Number:** HB1083 H1

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

2. **Patron:** Hayes

3. **Committee:** Public Safety

4. **Title:** Allowing access to firearms by minors; penalty.

5. **Summary:** The substitute version of this bill would increase the penalty from a Class 3 misdemeanor to a Class 6 felony for any person who recklessly leaves a loaded, unsecured firearm in such manner as to endanger the life or limb of anyone under the age of 18.

6. **Budget Amendment Necessary:** No. The Governor's Introduced Budget (HB30/SB30) includes an appropriation of \$50,000 in Item 402 for the accompanying legislation.

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

8. **Fiscal Implications:** Currently, it is a Class 3 misdemeanor for any person to recklessly leave a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14. Class 3 misdemeanor is punishable by a fine of up to \$500.

According to the Virginia Criminal Sentencing Commission (VCSC), persons convicted of a new Class 6 felony under the proposed legislation may be sentenced similarly to persons who are currently convicted of a Class 6 felony under § 18.2-371(B) (abuse and neglect of children).

VCSC data from FY 2018 and FY 2019 reflects that offenders convicted of a Class 6 felony under § 18.2-371(B) for gross, wanton, or reckless care of a child (as the primary, or most serious offense) receive a local-responsible jail term in approximately 46 percent of cases with a median sentence of four months. If this rate and length of jail term translates to the proposed legislation, there would be an expected increase in future need of local-responsible (jail) beds. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2019), the estimated total state support for local jails averaged \$34.07 per inmate, per day in FY 2018.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on

state-responsible (prison) bed space cannot be determined. In such cases, Chapter 854 of the 2019 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, local and regional jails, Courts, and Commonwealth's Attorneys.

10. Technical Amendment Necessary: No

11. Other Comments: None