

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB1312

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Kory

3. Committee: Public Safety

4. Title: Local government buildings; dangerous weapons; penalty.

5. Summary: Current law prohibits any person from possessing in or transporting into any courthouse in the Commonwealth any (i) gun or other weapon designed or intended to propel a missile or projectile of any kind; (ii) frame, receiver, muffler, silencer, missile, projectile, or ammunition designed for use with a dangerous weapon; or (iii) other dangerous weapon, including explosives, stun weapons, and other dangerous weapons. Violation of this provision is punishable as a Class 1 misdemeanor. This bill expands this provision to include any building owned or used by a locality for governmental purposes.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: This bill expands existing Class 1 misdemeanor offenses. Anyone convicted of the proposed Class 1 misdemeanor who accumulates three or more weapon convictions could be found guilty of a Class 6 felony under § 18.2-311.2 (third conviction of firearm offenses; penalty).

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to 12 months in jail, or one to five years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

According to the Virginia Criminal Sentencing Commission, there is not enough information is available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently 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 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.

According to the Virginia Criminal Sentencing Commission (VCSC), this bill is not expected to impact prison bed space. Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$0.

The impact this bill may have on localities cannot be determined at this time.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, local and regional jails

10. Technical Amendment Necessary: None

11. Other Comments: None