Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1312

(Patron – Kory)

LD#: 20100166 **Date:** 11/06/2019

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

Fiscal Impact Summary:

- **State Adult Correctional Facilities:** None ($0)
- **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

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 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 convictions that may result from the proposal's enactment.

According to Fiscal Year (FY) 2014-FY2019 data from the General District Court Case Management System (CMS), 20 offenders were convicted of a Class 1 misdemeanor under § 18.2-283.1 during the six-year period. Of these, six offenders (30%) were sentenced to jail terms with a median sentence of approximately one month, while the remaining 14 offenders (70%) were not sentenced to an active term of incarceration.

Offenders convicted of the proposed Class 1 misdemeanor who accumulate three or more weapon convictions could be found guilty of a Class 6 felony under § 18.2-311.2. According to the Circuit Court CMS data for FY2014-FY2019, four offenders were convicted of a felony under § 18.2-311.2 for a third or subsequent weapon offense. The felony violation of § 18.2-311.2 was the primary, or most serious, offense in three of the cases. None of these offenders received a state-responsible (prison) sentence. The remaining offender, whose primary offense was attempted robbery, was not sentenced to an active term of incarceration.

Impact of Proposed Legislation:

State adult correctional facilities. Offenders convicted of newly established Class 1 misdemeanor offenses under § 18.2-283.1 could, in the future, be convicted of a Class 6 felony under § 18.2-311.2 if they accumulate three or more weapon convictions. In the six most recent fiscal years, however, no offender convicted of a felony under § 18.2-311.2 has received a state-responsible (prison) sentence. Therefore, the proposal is not expected to impact the state-responsible (prison) bed space needs of the Commonwealth during the six-year window specified by § 30-19.1:4 for legislative impact statements.

Local adult correctional facilities. 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. Felony convictions under § 18.2-311.2 are not covered by the sentencing guidelines as the primary offense. A conviction under this provision, 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 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.

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