

Department of Planning and Budget 2020 Fiscal Impact Statement

1. **Bill Number:** SB14S1

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

2. **Patron:** Saslaw

3. **Committee:** Finance and Appropriations

4. **Title:** Trigger activators; prohibition, penalty.

5. **Summary:** Provides that it is unlawful for any person to manufacture, import, sell, offer for sale, possess, transfer, or transport a trigger activator, as defined in the bill, in the Commonwealth. A violation is a Class 6 felony. Exceptions are provided for persons who manufacture, import, sell, offer for sale, possess, receive, transfer, or transport any item for which such person is in compliance with the National Firearms Act.

6. **Budget Amendment Necessary:** Yes. Item 402.

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

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2020			
2021	\$50,000	0	General
2022			
2023			
2024			
2025			
2026			

8. **Fiscal Implications:** The proposed legislation would make it a Class 6 felony to manufacture, import, sell, offer for sale, transfer, or transport a trigger activator. Exceptions are provided for persons who manufacture, import, sell, offer for sale, possess, receive, transfer, or transport any item for which such person is in compliance with the National Firearms Act.

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.

There is not enough information 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 misdemeanor

or otherwise local-responsible prisoner held in a jail and \$12.00 a day for each state-responsible prisoner. It also funds a considerable 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, 2019 Acts of Assembly, requires that a minimum impact of \$50,000 be assigned to the bill.

Any potential fiscal impact on the Department of Juvenile Justice (DJJ) is indeterminate at this time.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.