

## Department of Planning and Budget 2020 Fiscal Impact Statement

**1. Bill Number:** SB71S1

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

**2. Patron:** Lucas, L. L.

**3. Committee:** House Courts of Justice

**4. Title:** Firearms; possession on school property.

**5. Summary:** Under current law, the list of schools where possession of a weapon or a firearm is prohibited includes public, private, or religious elementary, middle, or high schools property open to the public that is being used for a school sponsored functions. The proposed legislation adds preschools and child day centers. However, the child day center provisions only apply when a child attends such day care center is present upon the property. Certain exemptions apply.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** Preliminary (see Item 8 below).

**8. Fiscal Implications:** Currently, possessing certain weapons on school property or any school bus is a Class 1 misdemeanor. Possession of a firearm with the intent to use it or display a firearm in a threatening manner on school property is a Class 6 felony and carries a mandatory minimum of five- year sentence.

According to Virginia Criminal Sentencing Commission (VCSC), 100 offenders were convicted of a Class 1 misdemeanor for possessing a weapon on school property from FY 2014 through 2019. Approximately 22 of these offenders were sentenced to a jail term with a median sentence of one month. However, there is not enough information available to reliably estimate the increase in jail population or the amount of fines that would be collected 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 is a per prisoner, per day basis that 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.

Additionally, data for fiscal year (FY) 2014 through FY 2019 indicates that 37 offenders were convicted of a Class 6 felony for possessing a firearm on school property. The firearm offense was the primary, or most serious, offense in 23 cases, and of these, 14 were not sentenced to incarceration. The remaining 9 offenders were sentenced to a local-responsible

(jail) term with a median sentence of three months. The Court Case Management System (CMS) for FY2014 through FY2019, reported no convictions of possessing a firearm on school property with the intent to use a firearm. Because none of the 23 cases were sentenced to a state-responsible prison sentence, the VCSC assigned a fiscal impact of \$0 for this proposed legislation.

**9. Specific Agency or Political Subdivisions Affected:** None

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None