

Department of Planning and Budget 2021 Fiscal Impact Statement

1. Bill Number: HB2295

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

2. Patron: Levine

3. Committee: Floor Substitute

4. Title: Carrying a firearm or stun weapon within Capitol Square and the surrounding area, into building owned or leased by the Commonwealth, etc.; penalty.

5. Summary: Makes it a Class 1 misdemeanor for a person to carry any firearm or stun weapon within (i) the Capitol of Virginia; (ii) Capitol Square and the surrounding area; (iii) any building, parking lot, or parking structure owned or leased by the Commonwealth or any agency thereof; (iv) any building where employees of the Commonwealth perform their official duties; or (v) any building where the General Assembly meets or conducts its business. The bill provides exceptions for law-enforcement officers, court officers, authorized security personnel, and active military personnel while in the conduct of such person's official duties. An exception is also provided for law-enforcement officers and certain retired law-enforcement officers who are visiting a gun range owned or leased by the Commonwealth or any parking lot or parking structure appurtenant thereto and for employees of a state correctional facility or a state juvenile correctional facility when acting in the conduct of the employee's official duties. The bill also exempts from arrest or prosecution if an individual was driving or a passenger in a vehicle on the highways of the Commonwealth, and the vehicle was stopped only for a violation of another provision of the Code of Virginia or local ordinance. The bill requires that notice of the provisions prohibiting the carrying of such weapons be posted at each of the public entrances to Capitol Square and such buildings, parking lots, and parking structures. The bill also provides that any firearm or stun weapon carried in violation of these provisions is subject to seizure by a law-enforcement officer and forfeiture to the Commonwealth.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary, see Item 8.

8. Fiscal Implications: Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both.

According to the Virginia Criminal Sentencing Commission, 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 2020), the estimated total state support for local jails averaged \$34.59 per inmate, per day in FY 2019.

There may be some costs associated with the creation and posting of signage required by this bill, however, such costs are currently unknown.

9. Specific Agency or Political Subdivisions Affected: Local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: SB1381 also addresses the possession or transporting a weapon within Capitol Square, but the two bills are not identical.

Date: January 27, 2021
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