

Department of Planning and Budget 2021 Special Session I Fiscal Impact Statement

1. Bill Number: HB1992 S1

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☒ In Committee ☒ Substitute ☐ Enrolled

2. Patron: Murphy

3. Committee: Senate Finance and Appropriations

4. Title: Purchase, possession of firearms following conviction for assault and battery of a family member.

5. Summary: The substitute bill makes the following changes to the proposal:

- Removes parents, stepparents, and cohabitants from the list of those considered a “family or household member.”
- Specifies the conditions for a person convicted of a newly established Class 1 misdemeanor under this section to restore his right to purchase, possess, or transport a firearm.

This proposal prohibits a person who has been convicted of assault and battery of a family or household member from purchasing, possessing, or transporting a firearm. A person who violates this provision would be guilty of a Class 1 misdemeanor.

6. Budget Amendment Necessary: Yes. Item 402.

7. Fiscal Impact Estimates: Preliminary. See below.

8. Fiscal Implications: The proposal adds § 18.2-308.1:8 (purchase, possession, or transportation of firearm following an assault and battery of a family or household member) to the Code of Virginia. Under the proposed legislation, any person who knowingly and intentionally purchases, possesses or transports a firearm following a misdemeanor conviction for an assault and battery of a family or household member or a substantially similar offense under the laws of any other state or of the United States when the offense occurred on or after July 1, 2021, would be guilty of a Class 1 misdemeanor.

The proposal would expand the applicability of several existing felony offenses to include offenders prohibited from possessing or transporting a firearm under the proposed § 18.2-308.1:8. However, according to the Virginia Sentencing Commission, existing data sources do not contain sufficient detail to estimate how many felony convictions would result from enactment of the proposal. However, offenders may be sentenced similarly to those who are currently convicted of a felony under the existing provisions. Offenders convicted of the proposed Class 1 firearm misdemeanor who accumulate three or more firearm convictions

could be found guilty of a Class 6 felony under § 18.2-311.2 (third conviction of firearm offenses).

However, based on the fiscal impact analysis conducted by the Virginia Criminal Sentencing Commission, from FY 2015 through FY 2020 no felony convictions from third or subsequent firearm violations resulted in a prison sentence. 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 56, 2020 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill. 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 2020), the estimated total state support for local jails averaged \$34.59 per inmate, per day in FY 2019.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Corrections, Department of Juvenile Justice, Local and regional jails, Local law enforcement agencies, Courts, Commonwealth's Attorneys, and Public Defenders Offices.

10. Technical Amendment Necessary: No

11. Other Comments: None