

Department of Planning and Budget 2021 Fiscal Impact Statement

1. Bill Number: SB1381

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

2. Patron: Ebbin

3. Committee: Judiciary

4. Title: Possessing or transporting a weapon within Capitol Square or into building owned or leased by the Commonwealth; penalty.

5. Summary: Makes it a Class 1 misdemeanor for a person to possess or transport any (i) firearm or other weapon designed or intended to propel a missile or projectile of any kind; (ii) frame, receiver, muffler, silencer, missile, projectile, or ammunition designed for use with a dangerous weapon; or (iii) other dangerous weapon within Capitol Square or into any building owned or leased by the Commonwealth. A dangerous weapon includes a bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, fighting chain, throwing star, and oriental dart or any weapon of like kind. The bill provides exceptions for law-enforcement officers, conservators of the peace, magistrates, court officers, judges, county or city treasurers, commissioners or deputy commissioners of the Virginia Workers' Compensation Commission, authorized security personnel, bail bondsmen, bail enforcement agents, and active military personnel while in the conduct of such persons' official duties. The bill requires that notice of the provisions prohibiting the possessing or transporting of such weapons be posted at each public entrance to Capitol Square or such building owned or leased by the Commonwealth. The bill also provides that any weapon or item possessed or transported 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 misdemeanor 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: HB2295 also addresses the possession or transporting a weapon within Capitol Square, but the two bills are not identical.

Date: January 19, 2021

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