

Department of Planning and Budget
2022 Fiscal Impact Statement
REVISED 2/7/22

1. **Bill Number:** HB597

House of Origin Introduced Substitute Engrossed

Second House In Committee Substitute Enrolled

2. **Patron:** Scott, D.L.

3. **Committee:** Public Safety

4. **Title:** Concealed handgun permits; penalties.

5. **Summary:** Changes the penalty for carrying a concealed weapon without a permit from a Class 1 misdemeanor to a civil penalty of not more than \$100 for a first offense. The legislation would change the penalty for a second offense from a Class 6 felony to a civil penalty of not more than \$500, and the penalty for a third or subsequent offense from a Class 5 felony to a civil penalty of not more than \$1,000. The bill also provides that unless a person is otherwise disqualified from obtaining a concealed handgun permit, such person may apply for one while he is subject to a pending charge for a violation of this section, and the court may dismiss the charges if he offers to the court a valid permit that was issued during the pendency of the proceedings.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** Preliminary. See Item 8 below.

8. **Fiscal Implications:** The proposed legislation reduces the penalty for carrying a concealed weapon without a valid permit from a Class 1 misdemeanor for a first offense, a Class 6 felony for a second offense, and a Class 5 felony for a third or subsequent offense to a civil penalty punishable by a fine. Proceeds from all fines and penalties collected for offenses committed against the Commonwealth are paid into the state treasury to the credit of the Literary Fund. Any potential fiscal impact on the Literary Fund as a result of the proposed legislation is indeterminate at this time.

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. For someone convicted of a Class 6 felony, a judge has the option of sentencing the offender to a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both. Class 5 felonies are punishable by a term of imprisonment between one and ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.

According to the Virginia Criminal Sentencing Commission, between FY 2020 and FY 2021, there were 2,184 cases in which an individual was charged with a first offense of carrying a concealed weapon without a permit. Of those cases, 26.5 percent were sentenced to jail with a median jail sentence of one month. During the same time period, there were 47 cases of second offense concealed weapons permit violations; of these, 53.2 percent of violators were sentenced to jail with a median sentence of seven months, and 14.9 percent were sentenced to prison with a median sentence of two years. There were thirteen instances of third or subsequent violations of § 18.2-308 during this time period; offenders were sentenced to jail in 61.5 percent of cases, with a median sentence of seven months, and 30.8 percent of offenders were sentenced to prison with a median prison sentence of 1.6 years.

This impact statement is being revised to reflect updated information received from the Department of Corrections (DOC). According to data from DOC, in FY 2020, 52 inmates who had a conviction under § 18.2-308 (carrying a concealed weapon) were committed to DOC. Offenders with a first offense conviction were sentenced to a median sentence of 36 months, second offense violators were sentenced to a median sentence of 27.3 months, and the average sentence for offenders with a third or subsequent violation was 39 months (it should be noted this is the total sentence served, which includes convictions under other criminal statutes). Based on this sentencing information and the anticipated growth rate in the 2021 Inmate Population Forecast, DOC estimates that 14 fewer beds would be needed by FY 2028 if the proposed legislation passes.

The bill is not expected to have a fiscal impact on the Virginia State Police.

9. Specific Agency or Political Subdivisions Affected: Commonwealth's Attorneys, Courts, Department of Corrections, Local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.