

Department of Planning and Budget 2023 Fiscal Impact Statement

1. **Bill Number:** HB2273

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. **Patron:** Hayes

3. **Committee:** Committee Referral Pending

4. **Title:** Purchase of firearms; waiting period; penalty.

5. **Summary:** Provides that no dealer shall rent, trade, or transfer a firearm to any other person until at least three days have elapsed from the time the prospective purchaser completed a written consent form to have a licensed dealer obtain criminal history record information, subject to some exceptions provided in the Code. The bill makes it a Class 1 misdemeanor to sell or purchase a firearm before at least three days have elapsed since the time the prospective purchaser completed the form.

6. **Budget Amendment Necessary:** Yes. Item 404.

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

8. **Fiscal Implications:** The Department of State Police (VSP) oversees the Commonwealth's Firearms Transaction Program. The proposed legislation is not anticipated to have a fiscal impact on VSP's operations.

The proposed legislation also creates new Class 1 misdemeanors. 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.

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 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 2022), the estimated total state support for local jails averaged \$40.39 per inmate, per day in FY 2021.

According to General District Court Case Management System (CMS) data from the Virginia Criminal Sentencing Commission for fiscal years 2017 through 2022, there were 13 Class 1 misdemeanor convictions under § 18.2-308.2:5 for selling or purchasing a firearm without

the required criminal history record check. Of these, 76.9 percent were sentenced to probation, and the remainder were sentenced to jail, with a median sentence of three months. During that same time period, one individual was convicted of a Class 6 felony under § 18.2-311.2 and was sentenced to prison for 1.3 years. No individuals were convicted of a Class 6 felony under § 18.2-308.2:2(L), related to dealer sales and transfers firearms violations. By expanding the applicability of existing Class 6 felonies, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, available data do not provide sufficient detail to estimate the number of new felony convictions that may result from the proposal. Therefore, the magnitude of the impact on prison bed space needs cannot be determined.

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 2, 2022 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

- 9. Specific Agency or Political Subdivisions Affected:** Department of State Police,
Department of Corrections.

10. Technical Amendment Necessary:

11. Other Comments: