

## **Department of Planning and Budget**

### **2023 Fiscal Impact Statement**

**1. Bill Number:** HB2360 H1

**House of Origin**    ☐ Introduced    ☒ Substitute    ☐ Engrossed

**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:**    Webert

**3. Committee:** Courts of Justice

**4. Title:**    Firearms-related offenses; mandatory minimum sentences; penalty.

**5. Summary:** The substitute bill increases the mandatory minimum sentence imposed for using a firearm in the commission of certain felonies, pursuant to § 18.2-53.1 (Use or display of firearm in committing felony), from five years to ten years for any second or subsequent offense. These mandatory terms must run consecutively with any punishment received for the primary felony.

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

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

**8. Fiscal Implications:** According to fiscal year (FY) 2021 and FY 2022 Circuit Court Case Management System (CMS) data provided by the Virginia Criminal Sentencing Commission (VCSC), 54 offenders were convicted of a completed felony for using a firearm during the commission of certain felonies as a second or subsequent offense in violation of § 18.2-53.1. The firearm convictions under § 18.2-53.1 were most frequently accompanied by a robbery, felony assault, or murder conviction.

Because the bill increases penalties and mandatory minimum sentences imposed for certain felony charges, VCSC's data indicates that the bill is expected to have an impact on the future state-responsible prison bed space needs of the Commonwealth. Pursuant to §30-19.1:4 of the Code of Virginia, VCSC estimates a fiscal impact of \$48,346. The amount is based on the projection that the legislation will result in one additional offender being incarcerated in prison by FY 2029. Cost per prison bed was assumed to be \$48,958 per year as provided by the Department of Planning and Budget to VCSC pursuant to § 30-19.1:4. Where the estimated bed space impact included a portion (or fraction) of a bed, a prorated cost was included in the estimated amount of necessary appropriation.

According to VCSC analysis, this bill is not expected to increase future need for local-responsible (jail) beds. However, the Commonwealth pays localities \$15.00 a day for any state-responsible prisoner held in a local jail.

VCSC reports that this bill is not expected to increase the need for community corrections resources and would delay the need for services for some offenders affected by the proposal, as they would stay in prison longer prior to being released to the community. The impact of delaying such services cannot be estimated at this time.

**9. Specific Agency or Political Subdivisions Affected:** Department of Corrections, local and regional jails, Public Defenders offices, Commonwealth's Attorneys, courts

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None