

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: SB1181

House of Origin Introduced Substitute Engrossed

Second House In Committee Substitute Enrolled

2. Patron: Ebbin

3. Committee: Judiciary

4. Title: Sale, transfer, or purchase of unfinished frames or receivers and unserialized firearms; penalty.

5. Summary: This bill creates a Class 1 misdemeanor penalty for any person who knowingly sells, offers to sell, transfers, or purchases an unfinished frame or receiver, as defined in the bill, unless the person is a federal firearms importer, manufacturer, or dealer, or the unfinished frame or receiver is required by federal law to be, and has been, imprinted with a serial number by a federal firearms importer, manufacturer, or dealer. Second or subsequent violations of this provision are punishable as a Class 4 felony.

6. Budget Amendment Necessary: Yes, Item 404.

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

8. Fiscal Implications: The Virginia Criminal Sentencing Commission (VCSC) reports that existing data sources do not contain sufficient detail to estimate the number of additional convictions that may result from this proposal. However, VCSC estimates that individuals convicted under the proposal may be sentenced similarly to those convicted of possession of a sawed-off shotgun, which is a Class 4 felony under § 18.2-300(B). The Sentencing Guidelines database for fiscal year (FY) 2017 through FY2022 shows that 125 offenders were convicted of possession of a sawed-off shotgun under § 18.2-300(B). In 85 cases, this offense was the primary, or most serious, offense. Of these, 24.7 percent were sentenced to local-responsible (jail) terms with a median sentence of seven months. Another 41.2 percent were sentenced to state-responsible (prison) terms with a median sentence of two years. The remaining 34.1 percent of offenders did not receive an active term of incarceration to serve after sentencing.

By defining new misdemeanor and felony crimes, this proposal may increase the local-responsible (jail) and state-responsible (prison) bed space needs. 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. A Class 4 felony is punishable by two to ten years' imprisonment and a fine of up to \$100,000.

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 \$15.00 a day for each state-responsible prisoner. 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.

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 Corrections, local and regional jails, local law enforcement agencies, Commonwealth Attorneys, Public Defenders offices, courts

10. Technical Amendment Necessary: No

11. Other Comments: None