

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: SB1192E

House of Origin ☐ Introduced ☐ Substitute ☒ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Ebbin

3. Committee: Judiciary

4. Title: Carrying assault firearms in public areas prohibited; penalty.

5. Summary: Prohibits the carrying of certain semi-automatic center-fire rifles, pistols, and shotguns on any public street, road, alley, sidewalk, or public right-of-way or in any public park or any other place of whatever nature that is open to the public. Under current law, the current prohibition on carrying certain shotguns and semi-automatic center-fire rifles and pistols applies to a narrower range of firearms, only in certain localities, and only when such firearms are loaded.

6. Budget Amendment Necessary: Yes. Item 404.

7. Fiscal Impact Estimates: Preliminary (see Item 8).

8. Fiscal Implications: Under current law, the carrying of certain semi-automatic rifles, pistols, and shotguns on any public street, road, etc., or in any public park or other place open to the public is prohibited in certain localities listed in § 18.2-287.4. The provisions of the proposal, as amended, expand this prohibition to all localities in the Commonwealth and modify and expand the definitions of certain rifles, pistols, and shotguns. Any person who violates the provisions of this proposal is guilty of a Class 1 misdemeanor, punishable by a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both. A third or subsequent Class 1 misdemeanor weapon violation is guilty of a Class 6 felony, punishable by a term of imprisonment between one and 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. Proceeds of all fines and penalties collected for offenses committed against the Commonwealth are paid into the state treasury to the credit of the Literary Fund. However, the impact of this proposal on the revenues of the Literary Fund are indeterminate.

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 and \$15.00 a day for each state-responsible prisoner. It also funds a considerable portion of the jails' operating costs, e.g. correctional

officers. The state's share of these costs on a per prisoner, per day basis 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 the Virginia Criminal Sentencing Commission (VCSC), existing data are insufficient to estimate the number of new convictions likely to result from enactment of the proposal. Between FY 2017 and FY 2022, 214 offenders were convicted of a Class 1 misdemeanor for carrying a loaded firearm in prohibited areas. Of these offenders, 69.2 percent did not receive an active term of incarceration, while 30.8 percent were sentenced to a local-responsible (jail) term where the median length of imprisonment was two months. During the same time period, three offenders were convicted of a Class 6 felony for a third or subsequent weapon violation. The felony violation was the primary, or most serious, offense for only one of these offenders, who received a state-responsible (prison) sentence of 1.3 years. Due to the lack of data, the VCSC 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, state and local police, Courts, Public Defender's Office, Commonwealth's Attorneys' Office.

10. Technical Amendment Necessary: No.

11. Other Comments: None.