



Fiscal Impact Statement for Proposed Legislation
Virginia Criminal Sentencing Commission

Senate Bill No. 1484
(Patrons – Deeds and Hanger)

LD#: 23104414

Date: 01/26/2022

Topic: Carrying a weapon into Capitol Square, etc.

Fiscal Impact Summary:

<ul style="list-style-type: none"> • State Adult Correctional Facilities: \$50,000* • Local Adult Correctional Facilities: Cannot be determined • Adult Community Corrections Programs: Cannot be determined 	<ul style="list-style-type: none"> • Juvenile Direct Care: Cannot be determined** • Juvenile Detention Facilities: Cannot be determined** <p>** Provided by the Department of Juvenile Justice</p>
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* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, fiscal impact statements prepared by the Virginia Criminal Sentencing Commission only include the estimated increase in operating costs associated with additional state-responsible prison beds and do not reflect any other costs or savings that may be associated with the proposed legislation.

Summary of Proposed Legislation:

The proposal amends § 18.2-283.2, relating to carrying a firearm or certain weapons within Capitol Square, etc. Currently, it is a Class 1 misdemeanor for any person to carry any firearm or explosive material while in (1) the Capitol of Virginia; (2) Capitol Square and the surrounding area; (3) any building owned or leased by the Commonwealth or any agency thereof; or (4) any office where employees of the Commonwealth or agency thereof are regularly present for the purpose of performing their official duties. The current statute provides a list of exempted individuals under certain conditions. In addition, the current statute provides exceptions for certain locations, including state parks and properties owned or operated by public institutions of higher education. Section 18.2-283.2 was created by the 2021 General Assembly (Special Session I) and enacted in July of the same year.

The proposal expands the existing Class 1 misdemeanor by limiting the exception that applies to properties owned or operated by public institutions of higher education. Under the proposal, individuals may possess a weapon on such properties only if they possess the weapon as part of the institution’s curriculum or activities or as part of any organization authorized to conduct its program or activities there.

Pursuant to § 18.2-311.2, a third or subsequent Class 1 misdemeanor weapons violation (defined in Article 4, 5, 6, or 7 of Chapter 7 of Title 18.2) is punishable as a Class 6 felony.

Analysis:

Available data do not contain sufficient detail to determine the number of new convictions likely to result from enactment of the proposal.

According to the General District Court Case Management System (CMS) for fiscal year 2022, one offender was convicted of a misdemeanor offense under § 18.2-283.2. The offender received a local-responsible (jail) sentence of one month.

Offenders convicted of the proposed Class 1 misdemeanor who accumulate three or more weapon convictions could be found guilty of a Class 6 felony under § 18.2-311.2. According to the Circuit Court CMS data for fiscal year (FY) 2017 through FY2022, three offenders were convicted of a felony under § 18.2-311.2 for a third or subsequent weapon offense. The felony violation of § 18.2-311.2 was the primary, or most serious, offense for only one of these offenders. This offender received a state-responsible (prison) sentence of 1.3 years.

Impact of Proposed Legislation:

State adult correctional facilities. By expanding the applicability of an existing Class 6 felony, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. Available data do not provide sufficient detail to estimate the number of new felony convictions that may result from enactment of the proposal; therefore, the magnitude of the impact on prison bed space needs cannot be determined.

Local adult correctional facilities. By expanding existing misdemeanor and felony offenses, the proposal may increase local-responsible (jail) bed space needs. Data are not sufficiently detailed to estimate how many additional misdemeanor convictions may result if the proposal is enacted. Thus, the extent of the impact on jail beds cannot be quantified.

Adult community corrections resources. Because the proposal could result in convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for community corrections resources. Since the number of cases that may be affected by the proposal cannot be determined, the potential impact on community corrections cannot be quantified.

Virginia's sentencing guidelines. Felony convictions under § 18.2-311.2 are not covered by the Sentencing Guidelines when this offense is the primary (or most serious) offense. Such a conviction could augment the Guidelines recommendation (as an additional offense) if the most serious offense at sentencing is covered by the Guidelines. No adjustment to the Guidelines would be necessary under the proposal.

Juvenile direct care. According to the Department of Juvenile Justice, the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) bed space needs cannot be determined.

Juvenile detention facilities. According to the Department of Juvenile Justice, the impact of the proposal on the bed space needs of juvenile detention facilities cannot be determined.

Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.