

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: SB1484E

House of Origin ☐ Introduced ☐ Substitute ☒ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Deeds

3. Committee: Judiciary

4. Title: Firearm or explosive material; carrying within Capitol Square or building state-owned or leased.

5. Summary: Limits the exemption from the prohibition on the carrying of any firearm or explosive material within any building owned or leased by the Commonwealth or agency thereof or any office where employees of the Commonwealth or any agency thereof are regularly present for the purpose of performing their official duties that currently applies to any property owned or operated by a public institution of higher education to instead apply to any individual within a building owned or operated by a public institution of higher education who possesses a weapon as part of such public institution of higher education's curriculum or activities or as part of any organization authorized by the public institution of higher education to conduct its programs or activities within such building.

6. Budget Amendment Necessary: See item 8

7. Fiscal Impact Estimates: Preliminary – indeterminate, see item 8

8. Fiscal Implications:

The Virginia Criminal Sentencing Commission (VCSC) indicates that 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.

This bill 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.

For someone convicted of a Class 6 felony, a judge has the option of sentencing the offender to a term of imprisonment of not less than one year nor more than 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. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison. 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 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.

By expanding the applicability of an existing Class 6 felony, the proposal may increase the future state-responsible and local-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. Furthermore, 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. The VCSC indicates the impact of the bill on juvenile direct care and juvenile detention facilities is indeterminate.

There may be a minimal fiscal impact to the Department of General Services and public institutions of higher education due to cost of materials for signage changes.

9. **Specific Agency or Political Subdivisions Affected:** Department of General Services, Public institutions of higher education, Virginia Criminal Sentencing Commission, State Adult Correctional Facilities, Local Adult Correctional Facilities

10. Technical Amendment Necessary: No

11. Other Comments: None