

## Department of Planning and Budget 2023 Fiscal Impact Statement

**1. Bill Number:** SB909

**House of Origin**    ☒ Introduced    ☐ Substitute    ☐ Engrossed  
**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:** Favola

**3. Committee:** Judiciary

**4. Title:** Firearm transfers to another person from a prohibited person.

**5. Summary:** Provides that a person who is prohibited from possessing a firearm because such person is subject to a protective order or has been convicted of assault and battery of a family or household member shall surrender, sell, or transfer any firearms in his possession to any person who is not otherwise prohibited from possessing one, provided that such person is 21 years of age or older and does not reside with the person subject to the protective order. The person subject to the protective order shall provide the name and address of the transferee, the firearms dealer, or the law enforcement agency in possession of the firearm after it has been transferred on a form provided by the Office of the Executive Secretary (OES) of the Supreme Court.

The bill provides that any person subject to a protective order for assault and battery of a family member shall surrender, sell, or transfer any weapons in their possession within 48 hours after their sentencing hearing or release from custody and certify this in writing to the OES. Such person must include information about the transferee on such form. The willful failure to do so shall constitute contempt of court, according to the bill. The legislation also requires that law enforcement agencies provide such persons with a receipt when a firearm is surrendered. Firearms must be returned to such person upon the expiration of the prohibition period, as specified in the Code. The firearm must be returned within five days of the law enforcement agency's receipt of a written request for its return by the person who surrendered it. The bill directs law enforcement agencies to confirm that such person is no longer prohibited from possessing a firearm. A law enforcement agency may dispose of the weapon if the person authorizes it, or if the firearm remains in the agency's possession more than 120 days after such person is no longer prohibited from possessing it, and the person has not requested its return.

**6. Budget Amendment Necessary:** Indeterminate.

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

**8. Fiscal Implications:** There is no anticipated fiscal impact on the Department of State Police (VSP) as a result of the provisions of this bill. Any potential fiscal impact on the Courts is

indeterminate at this time. Any anticipated fiscal impact on local law enforcement agencies is indeterminate at this time.

**9. Specific Agency or Political Subdivisions Affected:** Courts, Department of State Police, Local law enforcement agencies.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** This bill is a companion to HB1729.