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HOUSE BILL NO. 1181

Offered January 10, 2024

Prefiled January 10, 2024

A *BILL to amend and reenact § 9.1-116.6 of the Code of Virginia and to amend the Code of Virginia by adding in Title 58.1 a chapter numbered 6.3, consisting of a section numbered 58.1-663, relating to Virginia Gun Violence Intervention and Prevention Grant Program and Fund; firearm and ammunition tax.*

Patrons—Laufer, Rasoul, Callsen, Clark, Cohen, Henson, Hope and Keys-Gamarra; Senators: Boysko, Favola and Salim

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-116.6 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 58.1 a chapter numbered 6.3, consisting of a section numbered 58.1-663, as follows:

§ 9.1-116.6. Virginia Gun Violence Intervention and Prevention Grant Program and Fund; purpose; guidelines.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Gun Violence Intervention and Prevention Fund (the Fund). The Fund shall be established on the books of the Comptroller. All moneys accruing to the Fund, including funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf, shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used for the purpose of ~~supporting gun violence intervention and prevention programs funding the Virginia Gun Violence Intervention and Prevention Grant Program.~~ Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department. *The Fund shall be administered by the Department.*

B. The Fund shall be administered by the Department, and the Department shall adopt guidelines to make funds available to agencies of local government, community-based organizations, and hospitals for the purpose of supporting implementation of evidence-informed gun violence intervention and prevention efforts, including street outreach, hospital-based violence intervention, and group violence intervention programs. *The Virginia Gun Violence Intervention and Prevention Grant Program (the Program) is hereby established to provide grants to support, expand, and replicate evidence-based violence reduction initiatives, including hospital-based violence intervention programs, street outreach programs, and focused deterrence strategies, that seek to interrupt cycles of violence and retaliation in order to reduce the incidence of homicides, shootings, and aggravated assaults. Grants may be used to compensate victims of gun violence, fund the hiring of counselors in public elementary and secondary schools, and fund research organizations that have the objective of reducing gun violence. The Program shall focus on providing grants to initiatives that provide violence intervention services to communities identified as having the highest risk of perpetrating or being victimized by violence in the near future. The Department shall administer and adopt guidelines for the administration of the Program.*

C. ~~The Department shall establish a grant procedure to govern funds awarded for this purpose.~~ 1. The Department shall issue grants on a competitive basis to (i) research organizations that have the objective of reducing gun violence; (ii) localities that are disproportionately impacted by violence, as provided in subdivision 2; (iii) community-based organizations that serve the residents of such localities; and (iv) school boards in those localities. In awarding grants, the Department shall give preference to applicants whose grant proposals demonstrate the greatest likelihood of reducing the incidence of homicides, shootings, and aggravated assaults in the applicant's community, without contributing to mass incarceration. The amount of funds awarded to an applicant shall be based on the scope of the applicant's proposal and the applicant's demonstrated need for additional resources to address violence in the applicant's community.

2. For purposes of this section, a locality is disproportionately impacted by violence if it meets any of the following criteria:

a. The locality experienced 20 or more homicides per calendar year during two or more of the three calendar years immediately preceding the grant application;

b. The locality experienced 10 or more homicides per calendar year and had a homicide rate that

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58 was at least 50 percent higher than the statewide homicide rate during two or more of the three
59 calendar years immediately preceding the grant application; or

60 c. The locality otherwise demonstrates a unique and compelling need for additional resources to
61 address the impact of homicides, shootings, and aggravated assaults in the locality.

62 D. An applicant for a grant shall submit a proposal, in a form prescribed by the Department, which
63 shall include:

64 1. Clearly defined and measurable objectives for the grant;

65 2. A statement describing how the applicant proposes to use the grant to implement a violence
66 reduction initiative in accordance with this section;

67 3. A statement describing how the applicant proposes to use the grant to enhance coordination of
68 existing violence intervention and prevention programs and minimize duplication of services; and

69 4. Evidence indicating that the proposed violence reduction initiative would likely reduce the
70 incidence of homicides, shootings, and aggravated assaults.

71 E. 1. Any locality that receives a grant pursuant to this section shall distribute no less than 50
72 percent of such grant funds to one or more of any of the following types of entities:

73 a. Community-based organizations; or

74 b. Public agencies or departments, other than law-enforcement agencies, that are primarily dedicated
75 to community safety or violence prevention.

76 2. Any grant recipient shall, as a condition of receiving a grant, commit a cash or in-kind
77 contribution equivalent to the amount of the grant. The Department may waive this requirement for
78 good cause.

79 3. Any grant recipient shall report to the Department, in a form and at intervals prescribed by the
80 Department, its progress in achieving the grant objectives.

81 F. The Department shall, no later than January 1, 2025, and every third year thereafter, prepare and
82 submit a report to the Chairmen of the House Committee for Courts of Justice and Senate Committee on
83 the Judiciary regarding the impact of the violence reduction initiatives supported by the Program.

84 G. The Department shall make reports from grant recipients available to the public.

85 CHAPTER 6.3.

86 FIREARM AND AMMUNITION TAX.

87 § 58.1-663. **Firearm and ammunition tax.**

88 A. For purposes of this section:

89 "Ammunition" means any ammunition for a firearm, as defined in § 18.2-308.2.

90 "Dealer" means the same as such term is defined in § 18.2-308.2:2.

91 "Firearm" means any assault firearm, firearm, or handgun, as such terms are defined in
92 § 18.2-308.2:2. "Firearm" shall not include any antique firearm or curios or relics, as such terms are
93 defined in § 18.2-308.2:2.

94 "Law-enforcement officer" means the same as such term is defined in § 9.1-101.

95 B. In addition to the taxes imposed pursuant to Chapter 6 (§ 58.1-600 et seq.), there is imposed a
96 tax of 5 percent of the sales price of any firearm or ammunition that is sold by (i) a seller at any event
97 required to be registered as a gun show or (ii) a dealer. The tax shall be collected by the dealer or
98 seller at the time of sale and remitted to the Department. The Department shall administer the collection
99 of this tax in accordance with the provisions of Chapter 6 (§ 58.1-600 et seq.), mutatis mutandis.

100 C. The tax imposed pursuant to this section shall not apply to the sale of any firearm or ammunition
101 to a state or local agency or to a law-enforcement officer for use in the normal course of his
102 employment.

103 D. All revenue collected pursuant to this section shall accrue to the Virginia Gun Violence
104 Intervention and Prevention Fund established pursuant to § 9.1-116.6.