

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB1195ER

House of Origin	<input type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input checked="" type="checkbox"/>	Enrolled

2. Patron: Hayes

3. Committee: Passed in both Houses.

4. Title: Purchase of firearms; waiting period; penalty.

5. Summary: The bill provides that no person shall sell a firearm unless at least five days have elapsed from the time the prospective purchaser completes the written consent form to have a licensed dealer obtain criminal history record information, with exceptions enumerated in relevant law.

6. Budget Amendment Necessary: Yes, Item 390.

7. Fiscal Impact Estimates: Final, see Item 8 below.

8. Fiscal Implications: The Department of State Police, which oversees the Commonwealth's Firearm Transaction Program, does not anticipate a fiscal impact.

Currently, if a firearms dealer requests a criminal history background check from the Virginia State Police for a prospective buyer, as required by this section, and the dealer is told by the State Police that a response will not be available by the end of the fifth business day, the dealer may immediately complete the sale or transfer and will not be deemed in violation of the requirements of this section. It is a Class 6 felony for a dealer to sell or transfer a firearm in violation of the provisions of § 18.2-308.2:2 (criminal history record information required for transfer of certain firearms). Additionally, any person who willfully and intentionally sells a firearm to another person without obtaining verification from a licensed dealer that information on the prospective purchaser has been submitted for a criminal history record information check as set out in § 18.2-308.2:2, and that a determination has been received that the prospective purchaser is not prohibited under state or federal law from possessing a firearm, is guilty of a Class 1 misdemeanor. A third or subsequent Class 1 misdemeanor weapon violation is punishable as a Class 6 felony.

By expanding the applicability of existing Class 6 felonies, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. 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.

Additionally, by expanding the applicability of existing felony and misdemeanor offenses, the proposal may increase local-responsible (jail) bed space needs.

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 \$5.00 a day for each misdemeanor 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 2023), the estimated total state support for local jails averaged \$45.76 per inmate, per day in FY 2022.

Due to the lack of data, the Virginia Criminal Sentencing Commission 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 1, 2023 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, state and local law enforcement agencies, Courts, Department of Corrections, Commonwealth's Attorneys, Office Public Defender, and regional and local jails.

- 10. Technical Amendment Necessary:** No.

- 11. Other Comments:** None.