

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB173ER

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

2. Patron: Simon

3. Committee: Passed both houses.

4. Title: Plastic firearms and unfinished frames, etc.; manufacture, import, etc. prohibited, penalties.

5. Summary: The bill expands the Class 5 felony defined in § 18.2-308.5 to include any firearm that, after removal of all parts other than a major component, is not detectable as a firearm by the types of detection devices commonly used for security screening. Under the proposed it would be unlawful for any person to knowingly import, purchase, sell, offer for sale, or transfer ownership of any completed or unfinished frame or receiver, unless the completed or unfinished frame or receiver (i) is deemed to be a firearm pursuant to federal law, and (ii) is imprinted with a valid serial number. It further provides that it would be unlawful for any person to knowingly possess a firearm or any completed or unfinished frame or receiver that is not imprinted with a valid serial number.

Additionally, any person to manufacture or assemble, cause to be manufactured or assembled, import, purchase, sell, offer for sale, or transfer ownership of any firearm that is not imprinted with a valid serial number would be in violation of the law. A person who does not have a valid federal license to manufacture or assemble firearms to sell or transfer ownership of a firearm, except as authorized by law, would be in violation of the law set forth in the section.

The proposal specifies that any person who violates the proposed § 18.2-308.5:2 would be guilty of a Class 1 misdemeanor. A second or subsequent violation under this provision would be punishable as a Class 4 felony. The bill provides certain exceptions.

Specific provisions of the legislation have a delayed effective date of either January 1 or July 1, 2025.

6. Budget Amendment Necessary: Yes, Item 390

7. Fiscal Impact Estimates: Final. See Item 8 below.

8. Fiscal Implications: By expanding existing felonies and creating a new felony offense for which imprisonment is authorized, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, 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. 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.

Additionally, 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.

The bill is not expected to have a fiscal impact on the operations of the Virginia State Police.

- 9. Specific Agency or Political Subdivisions Affected:** State and local law enforcement agencies, Department of Corrections, local and regional correctional facilities, Department of Criminal Justice Services, Commonwealth's Attorneys, Public Defenders.

- 10. Technical Amendment Necessary:** No.

- 11. Other Comments:** None.