

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB351

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

2. Patron: Clark

3. Committee: Public Safety

4. Title: Firearm locking device required for purchase of a firearm; households where minor resides; penalty.

5. Summary: The proposal requires any person who purchases a firearm to either (i) purchase a locking device for such firearm if such person resides in the same household as a minor, or (ii) complete a certification statement on a form provided by the Department of State Police, under penalty of perjury, certifying that he does not reside in the same household as a minor, with exceptions enumerated in the bill. In addition, the bill provides that it is unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any firearm to any person other than a licensed manufacturer, licensed importer, or licensed dealer, unless the transferee (i) purchases a locking device for such firearm if such person resides in the same household as a minor, or (ii) completes a certification statement, under penalty of perjury, certifying that he does not reside in the same household as a minor. A violation of either provision is punishable as a Class 1 misdemeanor.

6. Budget Amendment Necessary: Yes, Item 390.

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

8. Fiscal Implications: The Department of State Police oversees the Firearms Transaction Program. The agency estimates the fiscal impact of this proposal to be one-time cost of \$89,208 in FY 2025 for the development and update the V-Check forms to firearms dealers. However, the agency is expected to absorb this one-time cost.

The proposed bill expands the applicability of an existing Class 5 felony, and as a result it may increase the state-responsible (prison) bed space needs of the Commonwealth. However, according to Virginia Criminal Sentencing Commission, existing data sources do not contain sufficient detail to estimate the number of additional Class 5 felony convictions due to expanding applicability of existing felonies. 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.

By expanding a felony and creating new Class 1 misdemeanors, the proposal may increase the need for local-responsible (jail) bed space needs. The number of additional convictions that may result from the proposal cannot be estimated; therefore, the magnitude of the impact on jail bed space needs cannot be determined.

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.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, Commonwealth's Attorneys, Office of Public Defender, Court, state and local law enforcement agencies, local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.