

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB553

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: Obenshain

3. Committee: Courts of Justice

4. Title: Firearms-related offenses; mandatory minimum sentence; penalty.

5. Summary: Increases from five to 10 years for a second or subsequent offense the mandatory minimum sentence for use or display of a firearm during the commission of certain felonies.

6. Budget Amendment Necessary: No. Funding for this proposal was provided in Item 390 of the Governor's Introduced Budget (HB30/SB30).

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

8. Fiscal Implications: Currently, using a firearm in the commission of certain felonies carries a three-year mandatory minimum term of incarceration for the first offense, while a second or subsequent offense carries a five-year mandatory term. These mandatory terms must run consecutively with any punishment received for the primary or triggering felony. Under the proposal, the mandatory minimum for a second or subsequent offense would increase from five to ten years.

According to fiscal year (FY) 2022 and FY2023 Circuit Court Case Management System (CMS) data provided by the Virginia Criminal Sentencing Commission (VCSC), 55 offenders were convicted of a completed felony for using a firearm during the commission of certain felonies as a second or subsequent offense in violation of § 18.2-53.1. The firearm conviction was most frequently accompanied by a robbery, felony assault, or murder conviction.

Because the bill increases the mandatory minimum sentence imposed for certain felony charges, VCSC's data indicates that the bill is expected to have an impact on the future state-responsible prison bed space needs of the Commonwealth. Pursuant to § 30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$64,292 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in one additional offender being incarcerated in prison. As noted in Item 6 above, funding to cover the cost of this bill is included in the introduced budget.

According to VCSC analysis, this bill is not expected to increase future need for local-responsible (jail) beds.

VCSC reports that this bill is not expected to increase the need for community corrections resources and would delay the need for services for some offenders affected by the proposal, as they would stay in prison longer prior to being released to the community. The impact of delaying such services cannot be estimated at this time.

VCSC also reports that according to the Department of Juvenile Justice (DJJ), the impact of the proposal on the bed space needs of juvenile detention facilities and direct care (juvenile correctional center or alternative commitment placement) cannot be determined.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Corrections, courts, local and state law enforcement, local and regional jails. Public Defenders offices, Commonwealth's Attorneys.

- 10. Technical Amendment Necessary:** No.

- 11. Other Comments:** Companion bill to SB203.