

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB798

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: Hope

3. Committee: Public Safety

4. Title: Purchase, possession, or transportation of firearm following an assault and battery or stalking.

5. Summary: This proposal prohibits a person who has been convicted of assault and battery, assault and battery of a family or household member, or stalking from purchasing, possessing, or transporting a firearm. The prohibition expires five years after the date of conviction, at which point the person's firearm rights are restored, unless he receives another disqualifying conviction. A person who violates the provisions of the bill is guilty of a Class 1 misdemeanor. The bill also extends from three years to five years the existing prohibition period for persons convicted of assault and battery of certain family or household members.

6. Budget Amendment Necessary: Yes, Item 390 and Item 415.

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

8. Fiscal Implications: This proposal adds prohibitors, including being found guilty of assault and battery to include of a family or household member, and stalking, to purchasing, possessing, or transporting of firearms. The Department of State Police (VSP), which oversees the Firearm Transaction Program, anticipates a fiscal impact as a result of this legislation. The expansion of crimes that disqualify someone from purchasing, possessing, or transporting a firearm will require VSP to update their firearm transaction SP-65 forms and the V-Check system. Additionally, VSP anticipates an increase in firearm purchase denials, which will require subsequent investigations by VSP as a result of the bill. In 2023, VSP denied 5,952 purchases, of which 1,785 were subsequently investigated for possible prosecution. VSP estimates that with the additional prohibitors proposed could lead to additional denials requiring investigations.

Currently there are 15 troopers assigned exclusively to firearm investigations. The average caseload is 90 active investigations, while the long-term caseload should not exceed 100 cases. VSP estimates it may need up to nine trooper positions to support additional workload. The estimated first year general fund cost is \$161,439 (salary, benefits, and one-time equipment costs) and \$77,957 in the second year per state trooper hired for every 90-100

additional cases requiring investigations. In addition to these costs, VSP estimates it will need \$9,910 for new SP-65 firearm purchase forms, which the agency can absorb, and \$39,080 for IT development for VCheck system.

This bill expands the applicability of an existing Class 6 felony and Class 1 misdemeanor, while also creating a new Class 1 misdemeanor. Existing data sources do not contain sufficient detail to identify the additional number of individuals who may be convicted if the proposal is enacted. Offenders convicted of the proposed Class 1 misdemeanor who accumulate three or more weapon convictions could be found guilty of a Class 6 felony. 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.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both. 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 localities \$5.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail. It also funds a large 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: Courts, Department of Corrections, local and regional jails, and state and local law enforcement agencies.

10. Technical Amendment Necessary: No.

11. Other Comments: None.