

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: SB273ER

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: Subramanyam

3. Committee: Passed both Houses.

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

5. Summary: This bill provides that no firearms dealer or any other 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 certain exceptions.

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, anticipates a cost of \$71,360 in IT Development to update and modify the VCHECK2 system in order for the system to incorporate the five-day waiting periods required by this bill, which the agency believes it can absorb utilizing existing resources.

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.

According to the Virginia Criminal Sentencing commission, there is not enough information available to reliably estimate the increase in jail or prison population as a result of this proposal. 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.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.