

Fiscal Impact Review

2024 General Assembly Session

Bill number: SB 368 (Engrossed); Storage of firearms in a residence where a minor or person prohibited from possessing is present, penalty

Review requested by: Chair Simon; House Public Safety

Date: February 17, 2024

JLARC Staff Fiscal Estimates

JLARC staff do not concur with the fiscal impact statement that SB 368 would result in a fiscal impact to Virginia State Police (VSP). State law does not require that VSP sworn officers store their loaded service firearms in their residence, so the bill would not require VSP to purchase biometric storage devices for officers.

In practice, however, VSP encourages officers to keep their service pistols loaded and immediately accessible when officers are off duty, including in their residence. If VSP chooses to purchase biometric storage devices for officers to maintain this practice, the agency would incur a cost.

An explanation of the JLARC staff review is included on the pages that follow.

Bill summary

SB 368 applies to any person who possesses and stores a firearm in a residence where a minor or a person who is prohibited by law from possessing a firearm is present. The bill requires such persons to keep the firearm, if loaded, in a biometric storage device not authorized for use by the minor or prohibited person. If the firearm is unloaded, it does not need to be stored in a biometric storage device but must be stored in "a locked container, compartment, or cabinet" that cannot be accessed by the minor or prohibited person. Violation of either of these requirements would be a Class 4 misdemeanor, subject to a fine of up to \$250.

The bill would not apply to the storage of antique firearms or to a person who lawfully possesses a firearm and is carrying it on their person.

The bill would also require firearms dealers to conspicuously post the requirements of the bill.

Fiscal implications

SB 368 would apply to Virginia State Police (VSP) and other state and local law enforcement agencies. The Department of Planning and Budget (DPB) fiscal impact statement (FIS) indicates that there would be a cost related to SB 368 because VSP would have to purchase biometric storage devices for its sworn officers to meet the bill's intent. However, the FIS indicates the cost is indeterminate.

State law does not require VSP sworn officers to store their service firearms loaded in their residence. Further, VSP policy does not explicitly require that officers store their service firearms in their homes, loaded or unloaded. VSP policy states that "*Sworn employees are responsible for the security and safe storage of issued Department firearms at all times.*" Therefore, according to current law and VSP policy, the bill would not require VSP to purchase biometric storage devices and there would be no fiscal impact on VSP.

VSP representatives reported that sworn officers are strongly encouraged to keep their firearms immediately accessible and loaded even when off duty to protect themselves and members of the public. This results in most officers storing their service firearms loaded in their residences. To continue this practice under the bill, VSP representatives indicated an intention to purchase biometric storage devices for all sworn officers. Using the midpoint of the cost range for biometric storage devices reported in the fiscal impact statement of \$160, the estimated cost could be up to \$320,000, based on 2,000

sworn officers. The cost would likely be less because not all sworn officers have a minor or person who is prohibited by law from possessing a firearm present in their residence. Costs could also be incurred by other state and local law enforcement agencies that purchase biometric storage devices for their officers.

This bill is similar to HB 183.

Budget amendment necessary? No

Agencies affected: State and local law enforcement agencies that require sworn officers to store their service firearms in their residences

Patron: Senator Boysko

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