

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: SB383ER

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Deeds

3. Committee: Passed both houses

4. Title: Carrying a firearm or explosive material within Capitol Square or building owned or leased.

5. Summary: Limits the exemption from the prohibition on the carrying of any firearm or explosive material within any building owned or leased by the Commonwealth or agency thereof or any office where employees of the Commonwealth or any agency thereof are regularly present for the purpose of performing their official duties that currently applies to any property owned or operated by a public institution of higher education to instead apply to any individual within a building owned or operated by a public institution of higher education who possesses a weapon as part of such public institution of higher education's curriculum or activities or as part of any organization authorized by such public institution of higher education to conduct its programs or activities within such building.

6. Budget Amendment Necessary: Yes, \$50,000 general fund in FY25, Item 390 for Department of Corrections

7. Fiscal Impact Estimates: Indeterminate, see item 8

8. Fiscal Implications:

Currently, it is a Class I misdemeanor to carry any firearm or explosive material while in the Capitol of Virginia, Capitol Square and the surrounding area, any building owned or leased by the Commonwealth or any agency thereof, and any office where Commonwealth employees are present to perform their official duties. 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.

The bill limits the exemption from the firearm prohibitions on state-owned property for properties owned by public institutions of higher education and therefore expands the existing Class I misdemeanor.

Additionally, offenders that are convicted three or more Class I misdemeanors 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.

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 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.

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. That appropriation shall be provided under the Department of Corrections in Item 390 of the Appropriations Act.

The amended bill provides that the law enforcement division of an institution of higher education can determine if a weapon is for educational purposes and is therefore exempted from the prohibition on firearms at any building owned or leased by the Commonwealth. Fiscal impact to public institutions of higher education from this amended provision is indeterminate.

9. Specific Agency or Political Subdivisions Affected: Department of General Services, Public institutions of higher education, Virginia Criminal Sentencing Commission, State Adult Correctional Facilities, Local Adult Correctional Facilities

10. Technical Amendment Necessary: No

11. Other Comments: None