

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. **Bill Number:** SB515ER

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

2. **Patron:** Williams Graves

3. **Committee:** Passed both houses.

4. **Title:** Weapons; possession or transportation; facility that provides mental health services or development.

5. **Summary:** Makes it a Class 1 misdemeanor for any person to possess in or transport into any facility that provides mental health services or developmental services in the Commonwealth, including a hospital or an emergency department or other facility rendering emergency medical care, any (i) firearm or other weapon designed or intended to propel a missile or projectile of any kind; (ii) knife, except a pocket knife having a folding metal blade of less than three inches; or (iii) other dangerous weapon, including explosives and stun weapons. The bill provides certain exceptions. Additionally, the substitute requires that hospitals post a notice of the prohibition of such items at the public entrance. The bill provides that any such firearm, knife, explosive, or weapon is subject to seizure by a law-enforcement officer and forfeiture to the Commonwealth.

6. **Budget Amendment Necessary:** Yes, Item 390.

7. **Fiscal Impact Estimates:** Final, see Item 8 below.

8. **Fiscal Implications:** 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. Additionally, a third or subsequent Class 1 misdemeanor is punishable as a Class 6 felony.

However, according to the Virginia Sentencing Commission, existing databases do not provide sufficient detail to identify the number of new convictions likely to result from enactment of the 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 misdemeanant 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: State and local law enforcement agencies, Courts, local and regional jails, Department of Corrections, Commonwealth's Attorneys, Public Defenders.

10. Technical Amendment Necessary: No.

11. Other Comments: None.