Department of Planning and Budget
2024 Session Fiscal Impact Statement

1. **Bill Number:** SB99

    House of Origin   ☒ Introduced   ☐ Substitute   ☐ Engrossed

    Second House   ☐ In Committee   ☐ Substitute   ☐ Enrolled

2. **Patron:**   Ebbin

3. **Committee:** Court of Justice

4. **Title:**   Carrying assault firearms in public areas prohibited; penalty.

5. **Summary:** Prohibits the carrying of certain semi-automatic center-fire rifles, pistols, and shotguns on any public street, road, alley, sidewalk, or public right-of-way or in any public park or any other place of whatever nature that is open to the public. Under current law, the current prohibition on carrying certain shotguns and semi-automatic center-fire rifles and pistols applies to a narrower range of firearms, only in certain localities, and only when such firearms are loaded. The proposal also removes the exemptions for licensed security guards and persons with valid concealed handgun permits, as currently provided in the Code.

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

7. **Fiscal Impact Estimates:** Preliminary. See Item 8 below.

8. **Fiscal Implications:** This proposal expands §18.2-287.4 (carrying assault firearms in public areas) which the carrying of certain semiautomatic center-fire rifles, pistols, or shotguns on any public street, road, etc., or in any public park or other place open to the public in any locality in the Commonwealth. The proposal provides an expanded list of firearms, whether loaded or unloaded, to which the prohibition applies. The proposal also removes the exemptions for licensed security guards and persons with valid concealed handgun permits provided in current law. The bill expands and existing lass 1 misdemeanor to include additional circumstance.

    A third or subsequent Class 1 misdemeanor weapon violation) is punishable as 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 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.

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 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, Courts, Commonwealth's Attorneys, Public Defenders, Department of Corrections, local and regional jails.

10. **Technical Amendment Necessary:** No.

11. **Other Comments:** This bill is identical to HB175