

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. **Bill Number:** HB175ER

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

2. **Patron:** Simon

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

4. **Title:** Assault firearms; carrying in public areas prohibited, penalty.

5. **Summary:** Prohibits the carrying of certain semi-automatic center-fire rifles 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. The substitute provides exemptions for law enforcement officers while in the performance of their lawful duties and members of a cadet corps recognized by a public institution of higher education while such member is in the performance of sanctioned military training or participating in an official ceremonial event for the Commonwealth. Additionally, the bill 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:** Final. See Item 8 below.

8. **Fiscal Implications:** This proposal expands § 18.2-287.4 (carrying assault firearms in public areas) by making it unlawful for any person to carry semiautomatic center-fire rifles that expels single or multiple projectile by action of an explosion of a combustible material with a fixed magazine capacity in excess of 10 rounds on his person 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. This includes a semi-automatic center-fire rifle that expels single or multiple projectiles by action of an explosion of a combustible material that has the ability to accept a detachable magazine with certain characteristics and a semi-automatic shotgun that expels single or multiple projectiles by action of an explosion of a combustible material that has one of the following characteristics: (i) a folding, telescoping, or collapsible stock, (ii) a pistol grip that protrudes conspicuously beneath the action of the shotgun, (iii) the ability to accept a detachable magazine, (iv) a fixed magazine capacity in excess of seven rounds, or (v) any characteristic of like kind as enumerated in clauses (i) through (iv); or a shotgun with a magazine that holds more than seven rounds of the shortest ammunition for which it is chambered.

The bill expands an existing Class 1 misdemeanor to include additional circumstances. 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. 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: None.