

Department of Planning and Budget 2021 Fiscal Impact Statement

1. Bill Number: HB2128

House of Origin Introduced Substitute Engrossed

Second House In Committee Substitute Enrolled

2. Patron: Lopez

3. Committee: Public Safety

4. Title: Sale or transfer of firearms; criminal history record information check delay.

5. Summary: Increases from three business days to five business days the time provided for the Department of State Police (VSP) to complete a background check before a firearm may be transferred. If a dealer who has otherwise fulfilled all requirements is told by VSP that a response will not be available by the end of the dealer's fifth business day, the dealer may complete the sale or transfer without being deemed in violation.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: According to the Virginia State Police (VSP), the bill is not expected to impact the agency's operations.

Current law makes it a Class 6 felony for any dealer to willfully and intentionally sell, rent, trade, or transfer a firearm in violation of §18.2-308.2:2. According to the Virginia Sentencing Commission, from FY 2015 through FY 2020, one firearms dealer was convicted under §18.2-308.2:2. That individual, who was also convicted of another more serious felony was sentenced to a local-responsible (jail) term of two months. Therefore, the proposed legislation is not expected to increase state prison beds needs during the six-year window required for legislative impact statements. There is also no anticipated fiscal impact on the Department of Juvenile Justice (DJJ). Any potential fiscal impact on local and regional jails is indeterminate at this time.

9. Specific Agency or Political Subdivisions Affected: Department of State Police, Department of Corrections, Department of Juvenile Justice, local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.