

## Department of Planning and Budget 2021 Fiscal Impact Statement

**1. Bill Number:** HB2276 H1

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

**2. Patron:**        Simon

**3. Committee:** Public Safety

**4. Title:**        Manufacture, import, sale, transfer, or possession of plastic firearms and unfinished frames.

**5. Summary:** The substitute bill allows any firearm or unfinished frame or receiver manufactured before October 22, 1968 to be excluded from certain serial number requirements pertaining to the manufacturing, assembly, selling, purchasing, etc. of a firearm. In addition, the bill substitute also removes the delayed effective date of the provisions of this bill.

This proposal expands the existing Class 5 felony for manufacturing, importing, selling, transferring, or possessing a plastic firearm in Code of Virginia 18.2-308.5 to also include any firearm that, after removal of all parts other than a major component, as defined in the bill, is not detectable as a firearm by the types of detection devices, including X-ray machines, commonly used at airports for security screening. In addition, the proposal also updates language regarding the types of detection devices that are used at airports for detecting plastic firearms. The bill also creates several Class 1 misdemeanors, which are punishable as a Class 4 felony for a second or subsequent offense, making it unlawful (i) for any person to possess, sell, offer to sell, transfer, purchase, transport, or receive an unfinished frame or receiver or firearm, unless the party possessing or receiving the unfinished frame or receiver or firearm is a federal firearms importer or manufacturer or the unfinished frame or receiver or firearm is imprinted with a serial number issued by a federal firearms importer or manufacturer and (ii) for any person to manufacture, cause to be manufactured, assemble, or cause to be assembled a firearm that is not imprinted with a serial number issued by a federal firearms importer or manufacturer in compliance with all federal laws and regulations regulating the manufacture and import of firearms.

**6. Budget Amendment Necessary:** Yes. Item 402.

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

**8. Fiscal Implications:** Based on the fiscal impact analysis conducted by the Virginia Criminal Sentencing Commission, from FY 2015 through FY 2020 no convictions occurred for violations of this Code section. 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 56, 2020 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 \$4.00 a day for each misdemeanor or otherwise local-responsible prisoner held in a jail and \$12.00 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 2020), the estimated total state support for local jails averaged \$34.59 per inmate, per day in FY 2019.

**9. Specific Agency or Political Subdivisions Affected:** Department of Corrections, Department of Juvenile Justice, Local and regional jails, Local law enforcement agencies, Courts, Commonwealth's Attorneys, and Public Defenders Offices.

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None