

## Department of Planning and Budget 2024 Session Fiscal Impact Statement

**1. Bill Number:** HB351S1

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

**2. Patron:** Clark

**3. Committee:** Public Safety

**4. Title:** Firearm locking device required for purchase of a firearm; households where minor resides; penalty.

**5. Summary:** The proposal requires any person who purchases a firearm to either (i) obtain or purchase from a licensed dealer a locking device for such firearm if a minor is present in such person's residence for 14 days or more in a calendar month or (ii) complete a certification statement on a form provided by the Department of State Police certifying that a minor is not present in such person's residence for 14 days or more in a calendar month.

The bill defines locking device to mean (i) a device that if installed on a firearm and secured by means of a key or a mechanically, electronically, or electromechanically operated combination lock prevents the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically, electronically, or electromechanically operated combination lock or (ii) a locking mechanism incorporated into the design of a firearm that prevents discharge of the firearm by any person who does not have access to the key or other device designed to unlock the mechanism and thereby allow discharge of the firearm.

In addition, the bill provides that it is unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any firearm to any person other than a licensed manufacturer, licensed importer, or licensed dealer, unless the firearm is accompanied by a warning sign, which must appear in conspicuous and legible type in capital letters and printed on a separate sheet of paper included within the packaging enclosing the firearm.

It also requires the transferee (a) obtains or purchases from such licensed manufacturer, licensed importer, or licensed dealer a locking device for such firearm if a minor is present in such person's residence for 14 days or more in a calendar month or (b) completes a certification statement on a form provided by the Department of State Police certifying that a minor is not present in such person's residence for 14 days or more in a calendar month. The bill also enumerates exceptions to provisions established. A violation of either provision is punishable as a Class 3 misdemeanor.

Additionally, the bill is to be reenacted in the 2025 Session of the General Assembly.

6. **Budget Amendment Necessary:** No.
7. **Fiscal Impact Estimates:** Preliminary, see Item 8 below.
8. **Fiscal Implications:** The Department of State Police oversees the Firearms Transaction Program. The agency estimates the fiscal impact of this proposal to be one-time cost of \$89,208 when enacted (FY 2025) for the development and updated V-Check forms to firearms dealers. However, the agency is expected to absorb this one-time cost.

A Class 3 misdemeanor is punishable by a fine of up to \$500. These offenses carry no jail time. All revenue collected from such fines is deposited into the Literary Fund. However, it is not possible to estimate either the number of convictions that may result or the amount of each fine that may be assessed under this legislation. Therefore, the impact of this bill cannot be determined.

9. **Specific Agency or Political Subdivisions Affected:** Department of Corrections, Commonwealth's Attorneys, Office of Public Defender, Court, state and local law enforcement agencies, local and regional jails.

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

11. **Other Comments:** None.