

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB791

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Henson

3. Committee: Public Safety

4. Title: Pneumatic guns; penalties.

5. Summary: This proposal makes it a Class 6 felony to possess a pneumatic gun upon (i) the property of any child day center or public, private, or religious preschool or elementary, middle, or high school, including buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (iii) any school bus owned or operated by any such school.

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

7. Fiscal Impact Estimates: Preliminary, see Item 8 below.

8. Fiscal Implications: The bill expands the applicability of § 18.2-308.1 (Possession of firearm, pneumatic gun, stun weapon, or other weapon on school property prohibited) to include a pneumatic gun as a prohibited weapon on school property. Currently, it is a Class 6 felony to possess a firearm on school property under § 18.2-308.1(B); this offense carries a mandatory minimum term of five years if the firearm is possessed on school property with intention to use or display it in a threatening manner (§ 18.2-308.1(C)). The proposal would include a pneumatic gun (as defined in § 15.2-915.4) in the list of prohibited weapons and, therefore, would be subject to the same penalties.

Existing databases do not provide sufficient detail to identify the number of new convictions likely to result from enactment of the proposal. However, individuals convicted under the proposal may be sentenced similarly to offenders who are currently convicted for violating § 18.2-308.1. By including a pneumatic gun in the list of prohibited weapons, the proposal expands the applicability of existing felony offenses. However, 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.

Additionally, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$5.00 a day for each misdemeanor 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: Courts and Department of Corrections, local jails and regional jails, Commonwealth's Attorneys, Virginia Public Defender Offices, and local and state law enforcement agencies.

10. Technical Amendment Necessary: No.

11. Other Comments: None.