

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

**1. Bill Number:** HB791H2

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

**2. Patron:** Henson

**3. Committee:** Public Safety

**4. Title:** Pneumatic guns; penalties.

**5. Summary:** This proposal makes it a Class 3 misdemeanor for any person knowingly possesses any pneumatic gun while such person is 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.

Any person who commits a second or subsequent violation of this misdemeanor is guilty of a Class 1 misdemeanor.

**6. Budget Amendment Necessary:** No.

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

**8. Fiscal Implications:** 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.

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.

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. 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, local jails and regional jails, and local and state law enforcement agencies.

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

**11. Other Comments:** None.