

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: SB2

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

2. Patron: Deeds

3. Committee: Judiciary

4. Title: Assault firearms & certain ammunition, etc.; purchase, possession, sale, transfer, etc., prohibited.

5. Summary: The proposal adds several sections to the Code and amends others related to assault firearms and ammunition feeding devices. Under the proposed § 18.2-287.4:1 (importation, sale possession etc.), it would be a Class 1 misdemeanor for any person to import, sell, manufacture, purchase, possess, transport or transfer an assault firearm manufactured after July 1, 2024. Under the proposed § 18.2-287.4:2 (Importation, sale, possession, etc., of assault firearms by persons younger than 21 years of age, it would be a Class 1 misdemeanor for any person younger than 21 years of age to import, sell, manufacture, purchase, possess, transport or transfer an assault firearm, regardless of the date of manufacture of such assault firearm. Under the proposed § 18.2-308.1:9 (purchase, possession, or transportation of firearm following conviction), any person convicted of importing, selling, etc., an assault firearm, or of violating the provisions of § 18.2-308.1:9 would be prohibited from purchasing, possessing or transporting any firearm for three years following such conviction; possessing a firearm during the three-year prohibition period would be a Class 1 misdemeanor. It would also be a Class 1 misdemeanor, under § 18.2-308.2:1, to sell or give a firearm to an ineligible person during the three-year prohibition period.

The proposal also amends § 18.2-308.2:5 (Criminal history record information check required to sell firearm) to make it a Class 1 misdemeanor for any person to sell or purchase an assault firearm and adds § 18.2-309.1 (sale, transfer, etc., of certain firearms magazines prohibited) to make it a Class 1 misdemeanor to import, sell, or transfer large capacity ammunition feeding devices, as defined in the bill. As the proposal expands the definition of assault firearm, it also eliminates the currently existing definition of assault firearm and restricting the applicability of provisions under § 18.2-308.7 to only possession or transportation of handguns by persons under the age of 18. Finally, the proposal amends the criminal history record check required for purchasing a firearm from a licensed dealer (§ 18.2-308.2:2) by adding a question to the form completed by the prospective buyer. With the proposed changes to § 18.2-308.2:2, dealers would be prohibited from selling assault rifles to any person and from selling certain semi-automatic center-fire rifles or pistols to anyone who is not a citizen of the United States or who is not lawfully admitted for permanent residence.

6. Budget Amendment Necessary: Yes, Item 390

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

8. Fiscal Implications: The Department of State Police (VSP) oversees the Commonwealth's Firearms Transaction Program. The Department of State Police estimated the cost of revising the SP-65 forms to incorporate the additional disqualification question to be a one-time cost of \$9,910, while the one-time IT costs to update the VCHECK2 application system would be \$67,720. State Police estimates the one-time fiscal impact on the agency to be \$77,630 the first year, which the agency believes they can absorb utilizing existing resources.

According to the Virginia Criminal Sentencing Commission, existing data sources do not contain sufficient detail to estimate the number of additional convictions that may result from enactment of the proposed legislation. However, individuals convicted under various aspects of the proposal may be sentenced similarly to those convicted under existing provisions. Since the proposed legislation expands the applicability of existing felony offenses, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. Existing databases do not provide sufficient detail to estimate the number of new felony convictions likely to result from enactment of the proposal; therefore, the magnitude of the impact on prison bed space needs cannot be quantified.

The proposed legislation also creates new Class 1 misdemeanors and expands the applicability of existing ones. 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. There is not enough information available to reliably estimate the increase in jail population as a result of this proposal expanding applicability of existing misdemeanor offenses. However, 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 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.

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. The Department of Criminal Justice Services determined this bill does not have a fiscal impact on the agency.

9. Specific Agency or Political Subdivisions Affected: Courts, Commonwealth's Attorneys, Department of Corrections, state and local law enforcement agencies Local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: The companion bill is HB2.