

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. **Bill Number:** SB363ER

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

2. **Patron:** Ebbin

3. **Committee:** Passed both houses.

4. **Title:** Removing, altering, etc., serial number on firearm; selling, giving, etc., or possessing firearm.

5. **Summary:** Makes it a Class 1 misdemeanor for any person, firm, association, or corporation to knowingly possess any pistol, shotgun, rifle, machine gun, or any other firearm, except for an antique firearm, that has a serial number that has been removed, altered, changed, destroyed, or obliterated in any manner. The bill also makes it a Class 6 felony for any person, firm, association, or corporation to knowingly sell, give, or distribute any pistol, shotgun, rifle, machine gun, or any other firearm, except for an antique firearm, that has a serial number that has been removed, altered, changed, destroyed, or obliterated in any manner.

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

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

8. **Fiscal Implications:** The bill creates a new Class 1 misdemeanor for possession of a firearm that has a serial number that has been removed, altered, changed, destroyed, or obliterated in any manner. 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. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays localities \$5.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail. It also funds a large 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.

Additionally, the bill creates a new Class 6 felony for the sale, transfer, or distribution of any firearm that has a serial number that has been removed, altered, changed, destroyed, or obliterated in any manner and expands the applicability of an existing Class 6 felony for three or more weapon convictions. A Class 6 felony is punishable by a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court

trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.

Additionally, pursuant to persons convicted of certain Class 1 misdemeanor weapons offenses who accumulate three or more such convictions may be found guilty of a Class 6 felony under § 18.2-311.2 (third conviction of firearm offenses).

By creating a new Class 6 felony and expanding the applicability of an existing Class 6 felony, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, available data do not provide sufficient detail to estimate the number of new felony convictions that may result from enactment of the proposal. Therefore, the magnitude of the impact on prison bed space needs cannot be determined. 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, 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 \$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.

According to the Department of Juvenile Justice, the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) bed space needs cannot be determined.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, State and local law enforcement agencies, Courts, Commonwealth's Attorneys, Public Defenders.

10. Technical Amendment Necessary: No.

11. Other Comments: None.