

Department of Planning and Budget
2025 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: HB2241

Patron: Tran

Bill Title: Possession or transportation of firearms, firearms ammunition, stun weapons, or explosives or carrying concealed weapons by persons convicted of a misdemeanor hate crime prohibited; penalty.

Bill Summary: Prohibits any person who has been convicted of assault or assault and battery and who intentionally selected the person against whom the offense was committed because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or ethnic or national origin from knowingly and intentionally possessing or transporting any firearm or ammunition for a firearm, any stun weapon, or any explosive material or carrying a concealed weapon, a violation of which is a Class 6 felony.

Budget Amendment Necessary: Yes

Items Impacted: Item 390 and 415

Explanation: See below

Fiscal Summary:

Proposal requires minimum “Woodrum” impact funding per § 30-19.1:4, Code of Virginia, to account for a possible increase in the need for state prison beds due to this legislation. Proposal also requires changes to Virginia State Police’s Firearms Purchase Background Check System (VCHECK2) and the related forms (SP-65).

General Fund Expenditure Impact:

<u>Agency</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Dept. of Corrections		\$18,796				
Virginia State Police		\$48,990				
TOTAL		\$67,786				

Fiscal Analysis:

This proposal expands § 18.2-308.2 so that anyone convicted of a misdemeanor assault that intentionally selects the person against whom the offense was committed because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin is prohibited from possessing a firearm. Violation of § 18.2-308.2 is a Class 6 felony. Anyone convicted of a Class 6 felony is subject to 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. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

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The Virginia Criminal Sentencing Commission estimates the impact of this proposal to be less than one state-responsible (prison) bed by FY2031. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$18,796. VCSC's analysis assumes that offenders affected by the proposal will be convicted of unlawfully possessing a firearm or other prohibited weapon at the same rate as felony offenders do currently.

VCSC does not expect this proposal to have an effect on the local-responsible (jail) population.

This proposal adds prohibitors to purchasing, possessing, or transporting of firearms. The Department of State Police (VSP), which oversees the Firearm Transaction Program, will need to update the Department's Firearms Purchase Background Check System (VCHECK2) and the related forms (SP-65) to add the additional disqualifications question as required by the proposal. The Department estimates that IT updates to VCHECK2 will cost \$39,080 and modifications to SP-65 will cost \$9,910. Overall, the Department estimates the proposal will cost them \$48,990. Although VSP could potentially absorb this cost with existing resources, there are a number of bills that if passed would increase the cost for updating the Department's VCHECK2 system that VSP could not easily absorb; thus, this cost is noted in the table above as a possible budget amendment.

Other: None