

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

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Version 2

Bill Number: HB1869S2

Patron: McClure

Bill Title: Purchase, possession, or transportation of firearm; assault and battery of a family or household member or intimate partner; penalties.

Bill Summary: The bill adds to the definition of "family or household member," as such definition relates to juvenile and domestic relations district court, a person's intimate partner, defined in the bill as an individual who, within the previous 12 months, was in a romantic, dating, or sexual relationship with the person as determined by the length, nature, frequency, and type of interaction between the individuals involved in the relationship. The bill also adds to the definition of "family or household member," as such definition relates to a person's purchase, possession, or transportation of a firearm following an assault and battery of a family or household member, any individual who cohabits or who, within the previous 12 months, cohabitated with the person. Finally, the bill provides that any person who knowingly and intentionally purchases, possesses, or transports any firearm following a misdemeanor conviction for an offense that occurred on or after July 1, 2025, for the offense of assault and battery against an intimate partner or an offense substantially similar under the laws of any other state or of the United States is guilty of a Class 1 misdemeanor.

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		\$50,000				
Virgina State Police		\$48,990				
TOTAL		\$98,990				

Fiscal Analysis:

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. Individuals convicted of certain Class 1 misdemeanor weapons offenses who accumulate three or more such convictions may be found guilty of a Class 6 felony with the possibility of

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prison time. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

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 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 2024), the estimated total state support for local jails averaged \$56.38 per inmate, per day in FY 2023.

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 2, 2024 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

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 modify the Department's Firearms Purchase Background Check System (VCHECK2) and the related forms (SP-65) to change the language regarding the definition of family or household member for intimate partner violence and the prohibition against purchasing, possessing, or transporting a firearm after conviction for the specified time period. 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