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

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Bill Number: HB2631ER Patron: Hayes

Bill Title: Purchase of firearms; waiting period; penalty.

Bill Summary: Provides that no person shall sell a firearm unless at least five days have elapsed from the time the prospective purchaser completes the written consent form to have a licensed dealer obtain criminal history record information, with exceptions enumerated in relevant law.

Budget Amendment Necessary: Yes Items Impacted: Item 390

Explanation: See below

Fiscal Summary:

Proposal requires "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).

General Fund Expenditure Impact:

<u>Agency</u>	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030
Dept. of		\$50,000				
Corrections		\$50,000				
Virginia State		\$71,360				_
Police						
TOTAL		\$121,360				

Fiscal Analysis:

Currently, if a firearms dealer requests a criminal history background check from the Virginia State Police for a prospective buyer, as required by this section, and the dealer is told by the State Police that a response will not be available by the end of the fifth business day, the dealer may immediately complete the sale or transfer and will not be deemed in violation of the requirements of this section. It is a Class 6 felony for a dealer to sell or transfer a firearm in violation of the provisions of § 18.2-308.2:2 (criminal history record information required for transfer of certain firearms). Additionally, any person who willfully and intentionally sells a firearm to another person without obtaining verification from a licensed dealer that information on the prospective purchaser has been submitted for a criminal history record information check as set out in § 18.2-308.2:2, and that a determination has been received that the prospective purchaser is not prohibited under state or federal law from possessing a firearm, is guilty of a Class 1 misdemeanor. A third or subsequent Class 1 misdemeanor weapon violation is punishable as a Class 6 felony.

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By expanding the applicability of existing Class 6 felonies, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. 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.

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 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 a five-day waiting period to the purchase of firearms. Virginia State Police (VSP), which oversees the Firearm Transaction Program, will need to modify the Department's Firearms Purchase Background Check System (VCHECK2) to indicate a five-day delay in the transfer of a firearm from a firearms dealer or private sale. VSP estimates that IT updates to VCHECK2 will cost \$71,360. 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: Companion to SB891