

The proposal amends § 18.2-308.2 to prohibit a person from possessing or transporting a firearm, ammunition, stun weapon or explosive material if he is convicted of a misdemeanor assault and battery and he intentionally selected the person against whom the assault and battery was committed because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or ethnic or national origin. A violation would be punishable as a Class 1 misdemeanor. Individuals convicted of certain Class 1 misdemeanor firearm offenses who accumulate three or more such convictions may be found guilty of a Class 6 felony under § 18.2-311.2.1

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

The proposal would also expand the potential applicability of a felony offense defined under § 18.2308.2:2(K), making a materially false statement on a consent form that is required to purchase a firearm from a licensed dealer. The proposal adds a question to the consent form asking whether the prospective buyer has previously been convicted of a misdemeanor assault and battery hate crime under §18.2-57(A). Currently, it is a Class 5 felony under § 18.2-308.2:2(K) to make a materially false statement on the consent form.

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. 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. Anyone convicted of a Class 5 felony is subject to a term of imprisonment of not less than one year nor more than 10 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 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: Woodrum funding (\$50,000) for this bill is included in the Conference Report budget. The Conference Report budget also includes \$48,800 for State Police to make changes to the VCHECK2 system and the related

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

SP-65 forms to implement provisions HB1869. This funding may also be used to implement the provisions of this bill.