

The proposal expands the applicability of the existing Class 1 misdemeanor, Class 6 felony, and Class 5 felony defined in § 18.2-308. Furthermore, the proposal adds § 18.2-308.7:1 relating to the secure storage of firearms in unattended vehicles. The proposal establishes a civil penalty of up to \$500 for any person who leaves a visible handgun in an unattended vehicle. The proposal creates a Class 4 misdemeanor for any person who fails to securely store a firearm in an unattended motor vehicle or who fails to report a theft or loss of a firearm from a vehicle; violation of this subsection would be a Class 1 misdemeanor if another person obtains the firearm from the vehicle. Offenders convicted of the proposed Class 1 misdemeanor who accumulate three or more weapon convictions could be found guilty of a Class 6 felony under § 18.2-311.2.

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State Fiscal Impact Statement

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.

A Class 4 misdemeanor is punishable by a fine of up to \$250. These offenses do not carry jail time. All revenue collected from such fines is deposited into the Literary Fund. However, it is not possible to estimate either the number of convictions that may result or the amount of each fine that may be assessed under this legislation. Therefore, the impact of this bill cannot be determined.

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.

Regarding the storage of firearms in vehicles, this proposal requires weapons must be stored in a container that is fully enclosed; opaque; locked by a padlock, key lock, combination lock, or other similar locking device that renders the firearm inaccessible to anyone other than its owner or another authorized user. According to the Virginia State Police, apart from the few vehicles assigned to the Department's Special Operations Division, the firearms locking devices installed in patrol vehicles will not meet the mandates of this proposal. Although the weapons are securely locked, they are not in an "opaque" container. In addition to the cost of purchasing new lockers for these vehicles, there may be additional costs for reconfiguration of rear cargo area of the agency's vehicles as the identified gun lockers may not fit into the present configuration. These potential costs are presently indeterminate.

Other: Woodrum funding (\$50,000) for this bill is included in the Conference Report budget.