

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: SB38

Patron: Favola

Bill Title: Firearms; transfers to another person from a prohibited person.

Bill Summary: Provides that a person who is prohibited from possessing a firearm because the person is subject to a protective order or has been convicted of an assault and battery of a family or household member may transfer a firearm owned by the prohibited person to any person who is not otherwise prohibited by law from possessing such firearm, provided that the person who is not otherwise prohibited by law from possessing such firearm is 21 years of age or older and does not reside with the person who is subject to the protective order. Under current law, there is no requirement that a transferee cannot be younger than 21 years of age and cannot reside with the prohibited person. The bill also provides that the prohibited person who transfers, sells, or surrenders a firearm pursuant to the provisions of the bill shall inform the clerk of the court of the name, address, and signature of the transferee, federally licensed firearms dealer, or law-enforcement agency in possession of the firearm and shall provide a copy of the form to the transferee. The bill also provides that a person who is prohibited from possessing a firearm because the person is subject to a protective order or has been convicted of an assault and battery of a family or household member shall be advised that a law-enforcement officer may obtain a search warrant to search for any firearms from the person if the law-enforcement officer has reason to believe that the person has not relinquished all firearms in his possession.

Budget Amendment Necessary: No

Items Impacted: None

Explanation: Not applicable

Fiscal Summary: There is no anticipated state fiscal impact resulting from this legislative proposal.

Fiscal Analysis: This proposal allows a person who is prohibited from possessing a firearm to transfer a firearm to any person who is not otherwise prohibited by law from possessing such firearm. This proposal also allows that a prohibited person who transfers, sells, or surrenders a firearm, pursuant to the provisions of the bill, to inform the clerk of the court of the name, address, and signature of the transferee, federally licensed firearms dealer, or law-enforcement agency in possession of the firearm and shall provide a copy of the form to the transferee. The bill also provides that a person who is prohibited from possessing a firearm because the person is subject to a protective order or has been convicted of an assault and battery of a family or household member be advised that a law-enforcement officer may obtain a search warrant to search for any firearms from the person if the law-enforcement officer has reason to believe that the person has not relinquished all firearms in his possession.

Other: The companion bill is HB93.