



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill 1359 Amendment in the Nature of a Substitute (Patron Prior to Substitute--Delegate Hope)

LD#: 26106169

Date: 01/30/2026

Topic: Firearm purchaser licenses to purchase firearms

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000 *
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Correctional Centers:**
Cannot be determined **
- **Juvenile Detention Facilities:**
Cannot be determined **

** Provided by the Department of Juvenile Justice

* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 725 of the Acts of Assembly of 2025, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, fiscal impact statements prepared by the Virginia Criminal Sentencing Commission only include the estimated increase in operating costs associated with additional state-responsible prison beds and do not reflect any other costs or savings that may be associated with the proposed legislation.

Summary of Proposed Legislation:

The proposal amends §§ 18.2-308.2:2 and 18.2-308.2:5 and adds § 18.2-308.2:6, relating to the sale or transfer of firearms. The proposal requires any person purchasing a firearm from a firearms dealer to present a valid firearm purchaser license issued by the Department of State Police that allows the holder to purchase a firearm. The bill prohibits a firearms dealer from selling, renting, trading, or transferring from his inventory any firearm to any person until such firearm purchaser license has been presented. The proposal sets forth the procedures to apply for a firearm purchaser license and prohibits the licensing of any person who (i) is under the age of 21; (ii) is prohibited from purchasing, possessing, or transporting a firearm; (iii) within the two years prior to the date of application, has been convicted of any offense against a person that is an act of violence, force, or threat, or a firearm-related offense that is punished as a Class 1 misdemeanor; or (iv) within the two years prior to the date of application, has not completed a firearms safety or training course or class. The bill provides that such firearm purchaser license is valid for five years from the date of issuance.

The proposal provides that any person who fails to return a voided or revoked firearm purchaser license to the Superintendent of State Police within five days' notice is guilty of a Class 1 misdemeanor. The bill

also states that any person who willfully and intentionally makes a materially false statement on the application form for a firearm purchaser license is guilty of a Class 5 felony.¹

The proposal would expand the potential applicability of several existing felony offenses. Under § 18.2-308.2:2(K), making a materially false statement on a consent form that is required to purchase a firearm from a licensed dealer is a Class 5 felony. Under § 18.2-308.2:2(L), it is a Class 6 felony for any firearms dealer to willfully and intentionally sell, rent, trade, or transfer a firearm in violation of this section. Per § 18.2-308.2:2(L1), any person who attempts to solicit or entice a dealer to transfer a firearm other than to the actual buyer is guilty of a Class 6 felony. Pursuant to § 18.2-308.2:2(M), purchasing a firearm with the intent to transfer it to an individual who is ineligible to purchase a firearm from a dealer is a Class 4 felony that carries a mandatory minimum term of one year. Offenders who transfer more than one firearm in violation of § 18.2-308.2:2(M) are subject to a mandatory minimum term of five years. Subsection N of § 18.2-308.2:2 makes it a Class 4 felony for any person ineligible to purchase or possess a firearm to solicit, employ, or assist any person in purchasing a firearm in violation of § 18.2-308.2:2(M); a violation of this subsection also carries a mandatory minimum term of five years.

Currently, under § 18.2-308.2:5(C), 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. The proposal specifies that the seller must first verify the validity of the prospective buyer's firearm purchaser license. Under § 18.2-308.2:5(D), any person who willfully and intentionally purchases a firearm from another person without verification is also guilty of a Class 1 misdemeanor.

Pursuant to § 18.2-311.2, a third or subsequent Class 1 misdemeanor weapon violation (defined in Article 4, 5, 6, or 7 of Chapter 7 of Title 18.2) is punishable as a Class 6 felony. In addition, under subsection P of the proposed § 18.2-308.2:6, making a materially false statement on an application to obtain a firearm purchaser license shall constitute perjury, punishable as provided in § 18.2-434. Currently, perjury related to written declarations is punishable as a Class 5 felony.

Analysis:

Existing data sources do not contain sufficient detail to estimate the number of additional convictions that may result from enactment of the proposal. However, individuals convicted of offenses due to the proposal may be sentenced similarly to those convicted under the existing provisions of §§ 18.2-308.2:2 and 18.2-308.2:5 (see table below).

Offenders Convicted of Select Firearm Offenses, FY2020-FY2025

Primary Offense	Total Number of Cases	Percent Sentenced to Probation	Percent Sentenced to Jail	Median Jail Sentence	Percent Sentenced to Prison	Median Prison Sentence
Third or subsequent misd. firearm violation (§ 18.2-311.2) – Class 6 felony ^a (Note: Data for this offense is based on FY2020-FY2025)	6	16.7%	33.3%	8.5 mos.	50.0%	1.3 yrs.
False statement on record check consent form – Class 5 felony (§ 18.2-308.2:2(K)) ^b	292	75.0%	20.9%	4.3 mos.	4.1%	2.0 yrs.

¹ The proposed felony (as well as the current Class 5 felony for perjury) would be eligible for the enhanced sentence credits specified in § 53.1-202.3, whereby offenders will serve a minimum of 67% of the sentence ordered by the court.

Dealer sell/transfer firearm in violation of section – Class 6 felony (§ 18.2-308.2:2(L)) ^b	0	N/A	N/A	N/A	N/A	N/A
Solicit, etc., dealer to transfer firearm to another – Class 6 felony (§ 18.2-308.2:2(L1)) ^b	0	N/A	N/A	N/A	N/A	N/A
Purchase firearm to provide to ineligible person – Class 4 felony (§ 18.2-308.2:2(M,i)) ^b	3	0%	33.3%	2.0 mos.	66.7%	3.3 yrs.
Transport firearm out of state to provide to ineligible person – Class 4 felony (§ 18.2-308.2:2(M,ii)) ^b	0	N/A	N/A	N/A	N/A	N/A
Solicit violation of § 18.2-308.2:2(M) – Class 4 felony (§ 18.2-308.2:2(N)) ^b	6	0%	0%	N/A	100%	4.0 yrs.
Sell/purchase firearm without required criminal history record check (§ 18.2-308.2:5) – Class 1 misd. ^c	37	81.1%	18.9%	2.3 mos.	N/A	N/A

Note: Analysis is based on cases in which the specified offense was the primary, or most serious, offense in the sentencing event.

Sources: ^aSupreme Court of Virginia - Circuit Court Case Management System (CMS), FY2020-FY2025;

^bSupreme Court of Virginia - Circuit Court Case Management System (CMS), FY2024-FY2025;

^cSupreme Court of Virginia – General District Court Case Management System (CMS), FY2020-FY2025.

According to Circuit Court CMS data for FY2020 through FY2025, there were 20 convictions under § 18.2-434 for perjury related to written declarations during the six-year period. This offense was the primary, or most serious, offense in 12 cases. Of these 12 cases, 7 offenders (58.3%) received no incarceration, while 3 received a local-responsible (jail) sentence and 2 received a state-responsible (prison) sentence. The median jail sentence was 3 months, while the two offenders sentenced to prison were given sentences of 1.5 years and 2.0 years.

Impact of Proposed Legislation:

State adult correctional facilities. Because it creates a new Class 5 felony and expands the potential applicability of existing felony offenses, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, existing databases do not provide sufficient detail to estimate the number of new felony convictions likely to result from enactment of the proposal. Therefore, the magnitude of the impact on prison bed space needs cannot be quantified.

Local adult correctional facilities. Similarly, the proposal may increase local-responsible (jail) bed space needs; however, the magnitude of the impact cannot be determined.

Adult community corrections resources. Because the proposal could result in convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for adult community corrections resources. Since the number of cases affected cannot be determined, the potential impact on community corrections cannot be quantified.

Virginia's Sentencing Guidelines. Felony weapon convictions (except subsection K) under § 18.2-308.2:2 and misdemeanors under § 18.2-308.2:5 are not covered by the Sentencing Guidelines when these offenses are the primary, or most serious, offense in a case; the proposed Class 5 felony would also not be covered. Perjury related to written declarations is also not covered. Such convictions, however, may augment the Guidelines recommendation if the most serious offense at sentencing is covered by the Guidelines. Felony offenses in subsections M and N of § 18.2-308.2:2 are defined as violent under § 17.1-805(C) for Guidelines purposes. No adjustment to the Guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice, the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) bed space needs cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal's impact on the bed space needs of juvenile detention facilities cannot be determined.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 725 of the Acts of Assembly of 2025, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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