

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

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ORIGINAL

Bill Number: HB901

Patron: Sullivan

Bill Title: Substantial risk orders; eligible petitioners; substantial risk factors and considerations; court jurisdiction; constructive possession of firearms; penalty.

Bill Summary: Expands the list of persons eligible to file a petition for an emergency substantial risk order. The bill provides various factors that a judge or magistrate shall consider for the purpose of determining probable cause prior to issuing an emergency substantial risk order or a substantial risk order. The bill also outlines various other factors that a judge or magistrate shall consider for the purpose of issuing an emergency substantial risk order or a substantial risk order. The bill expands court jurisdiction over substantial risk orders from circuit courts to juvenile and domestic relations district courts and general district courts and requires petitions against minors to be filed in juvenile and domestic relations district courts. The bill requires a copy of the order to be served on the parent or guardian of the minor at any address where the minor resides or the Virginia Department of Social Services in the case where the minor is the subject of a dependency or court-approved out-of-home placement. The bill also provides the process for which firearms not owned by the subject of a petition are returned to the lawful owner of such firearms. Lastly, the bill provides that any person that makes a materially false statement or representation to a court during the petitioning process is guilty of a Class 1 misdemeanor.

Budget Amendment Necessary: No

Items Impacted: None

Explanation: Not applicable

Fiscal Summary: There is no anticipated fiscal impact on the state as a result of this proposal.

Fiscal Analysis: This proposal expands the list of persons eligible to file a petition for an emergency substantial risk order and the various factors that a judge or magistrate shall consider when issuing an emergency substantial risk order. According to the Office of the Executive Secretary (OES) of the Supreme Court of Virginia there is no anticipated impact on Courts from the bill.

This proposal requires a copy of the order to be served on the parent or guardian of the minor at any address where the minor resides or the Virginia Department of Social Services in the case where the minor is the subject of a dependency or court-approved out-of-home placement. According to the Department of Social Services (DSS), this does not create any additional duties and responsibilities for the DSS or the local Department of Social Services (LDSS), so it is not anticipated it will create a fiscal impact.

This proposal makes it a Class 1 misdemeanor to knowingly and willfully make any materially false statement or representation to the court during the petitioning process. 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. There is not

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enough information available to reliably estimate the increase in jail population as a result of this proposal that creates an additional Class 1 misdemeanor.

Other: None.