



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill 643

Amendment in the Nature of a Substitute

(Patrons prior to substitute – Surovell and Carroll Foy)

LD#: 2618805

Date: 02/27/2026

Topic: Limitations on firearms purchase and possession

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:

Currently, it is a Class 1 misdemeanor for any person younger than 18 years of age to possess or transport a handgun or assault firearm, excepting cases where the person is in their home or on their property or when on the property of another and the property owner has provided prior permission. Other exceptions include if the person is traveling to or participating in a shooting range or firearms educational class, if the person is engaged in hunting or traveling to a hunting area, or if the person uses such firearms in self-defense while on the property of a family member.

The proposal amends § 18.2-308.7 to prohibit any person under 21 years of age from purchasing an assault firearm within the Commonwealth. It also makes limited revisions to the section's exceptions. Specifically, the proposal permits a person under 21 to possess such a firearm on property of a parent, etc., who is the lawful owner of the firearm. Possession is also permitted when the individual is accompanied by an adult aged 21 or older while at a firearm education class, at a shooting range, or while lawfully engaged in hunting. Additionally, the prohibition does not apply to any person engaged in training for or performing official duties as a law enforcement officer or as a member of the Armed Forces or National Guard.

A violation of § 18.2-308.7 remains a Class 1 misdemeanor. However, a defendant convicted of this Class 1 misdemeanor who accumulates three or more qualifying weapons convictions may be subject to a Class 6 felony under § 18.2-311.2.

Analysis:

Existing databases do not provide sufficient detail to identify the number of new convictions likely to result from enactment of the proposal.

According to fiscal year (FY) 2020 through FY2025 General District Court Case Management System (CMS) data, there were two convictions for the Class 1 misdemeanor under § 18.2-308.7. In both cases, the offenders received no incarceration.

According to Circuit Court CMS data for the same six-year period, there were no convictions for a third or subsequent violation of § 18.2-308.7.

Offenders convicted of the affected Class 1 misdemeanor who accumulate three or more weapon convictions could be found guilty of a Class 6 felony under § 18.2-311.2. According to Circuit Court CMS data for the same six-year period, 12 offenders were convicted of a felony under § 18.2-311.2 for a third or subsequent weapon offense. The felony violation of § 18.2-311.2 was the primary, or most serious, offense for six offenders; of these, one offender (16.7%) did not receive an active term of incarceration to serve after sentencing, two offenders (33.3%) were given jail terms of 6 and 11 months, and the remaining three offenders (50.0%) received state-responsible (prison) terms of 1 year, 1.3 years, and 1.5 years.

Impact of Proposed Legislation:

State adult correctional facilities. By prohibiting people under 21 years of age from purchasing firearms, the bill expands the applicability of the Class 6 felony under § 18.2-311.2. As a result, 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. The Class 6 felony under § 18.2-311.2 is not covered by the Sentencing Guidelines when that offense is the primary, or most serious, offense in a case. Such a conviction, however, may augment the Guidelines recommendation if the most serious offense at sentencing is covered by the Guidelines. This Class 6 felony is not 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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