

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

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ORIGINAL

Bill Number: HB40ER

Patron: Simon

Bill Title: Plastic firearms or receivers, unserialized firearms, etc.; transfer, etc., prohibited, penalties.

Bill Summary: The enrolled bill creates a Class 5 felony for any person who knowingly manufactures or assembles, causes to be manufactured or assembled, imports, purchases, sells, offers for sale, transfers, or possesses any firearm that, after removal of all parts other than a major component, as defined in the bill, is not detectable as a firearm when subjected to inspection by the types of detection devices, including X-ray machines, commonly used at airports, government buildings, schools, correctional facilities, and other locations for security screening. The bill updates language regarding the types of detection devices that are used at such locations for detecting plastic firearms. Under current law, it is unlawful to manufacture, import, sell, transfer, or possess any plastic firearm, and a violation is punishable as a Class 5 felony. The bill also creates a Class 1 misdemeanor, which is punishable as a Class 4 felony for a second or subsequent offense, for any person who knowingly possesses a firearm or any completed or unfinished frame or receiver that is not imprinted with a valid serial number or who knowingly imports, purchases, sells, offers for sale, or transfers ownership of any completed or unfinished frame or receiver, unless the completed or unfinished frame or receiver (i) is deemed to be a firearm pursuant to federal law and (ii) is imprinted with a valid serial number. The bill creates a Class 1 misdemeanor, which is punishable as a Class 4 felony for a second or subsequent offense, for any person who manufactures or assembles, causes to be manufactured or assembled, imports, purchases, sells, offers for sale, or transfers ownership of any firearm that is not imprinted with a valid serial number. The provisions of the bill prohibiting unfinished frames or receivers and unserialized firearms have a delayed effective date of January 1, 2027, and the provisions of the bill prohibiting the knowing possession of a firearm or any completed or unfinished frame or receiver that is not imprinted with a valid serial number have a delayed effective date of July 1, 2027.

Budget Amendment Necessary: Yes

Items Impacted: Item 390

Explanation: See below

Fiscal Summary:

Proposal requires minimum "Woodrum" impact funding per § 30-19.1:4, Code of Virginia, to account for a possible increase in the need for state prison beds due to this legislation.

General Fund Expenditure Impact:

<u>Agency</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	<u>FY2031</u>
Dept. of Corrections		\$50,000				
TOTAL		\$50,000				

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Fiscal Analysis:

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. 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 4 felony is subject to a term of imprisonment of not less than two years nor more than 10 years and a fine of not more than \$100,000. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

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 2025), the estimated total state support for local jails averaged \$58.25 per inmate, per day in FY 2024.

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 7, 2026 Acts of Assembly, requires that a minimum impact of \$50,000 be assigned to the bill.

Per the Virginia State Police, this bill's changes to firearm serializing will not have a fiscal impact on agency operations.

Other: House Amendment Item 390 #1h provides DOC \$50,000 in general funds for this bill.