

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB270

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Reid

3. Committee: Public Safety

4. Title: Sale, transfer, etc., of certain firearms and firearm magazines; Virginia Firearm Buy-Back.

5. Summary: The proposal makes it a Class 6 felony for any person to import, sell, transfer, manufacture, or purchase a restricted rifle or large-capacity firearm magazine, both defined in the bill, with certain exceptions. However, unless otherwise prohibited by law, any person may import, sell, transfer, manufacture, or purchase an authorized rifle, also defined in the bill, in accordance with the relevant provisions of law. The proposed provides that no firearms dealer or any other person shall sell a firearm unless at least three days have elapsed from the time the prospective purchaser completes the written consent form to have a licensed dealer obtain criminal history record information, with certain exceptions with exceptions enumerated in the bill. The three-day waiting period is suspended if there is a declaration of national emergency due to an imminent threat.

The bill also directs the Department of State Police (VSP) to develop policies for the establishment of uniform standards for the creation of the Virginia Firearm Buy-Back Program (Program). The bill clarifies that participation in the Program by a local law-enforcement agency is voluntary and also directs VSP to establish the Virginia Firearm Buy-Back Fund, a nonreverting fund to be used solely for the purposes of development and implementation of the Program.

6. Budget Amendment Necessary: Yes, Items 390 and 415

7. Fiscal Impact Estimates: Preliminary, see Item 8 below.

8. Fiscal Implications: The Department currently oversees the Firearms Transaction Program and would be tasked with creating a Firearm Buy-Back Program and fund. The program would collect information from participating law enforcement agencies and report on the development of the program and use of the funding. According to VSP, it anticipates a fiscal impact as a result of the establishment of Program. The agency believes it will need a management analyst position to manage this program. The estimated cost for this position is \$106,344 in FY 2025 and \$100,877 in FY 2026 (salary and other personnel costs).

Since the proposed legislation expands the applicability of existing felony offenses, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. Specifically, this bill would create new Class 6 felonies. The proposed legislation also expands the applicability of existing Class 1 misdemeanors. 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 enough information available to reliably estimate the increase in jail or prison population as a result of this proposal expanding applicability of existing felony and misdemeanor offenses. 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 1, 2023 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

Additionally, 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 2023), the estimated total state support for local jails averaged \$45.76 per inmate, per day in FY 2022.

9. Specific Agency or Political Subdivisions Affected: Virginia State Police, Commonwealths' Attorneys, Public Defender's Office, Department of Corrections, local and regional jails, Courts, and local law enforcement agencies.

10. Technical Amendment Necessary: No.

11. Other Comments: None.