

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB318

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Kory, K.

3. Committee: Public Safety

4. Title: Possession of ammunition on school property; penalty.

5. Summary: The proposed legislation expands the Class 1 misdemeanor for possession of certain types of weapons (as defined in § 18.2-308.2) that are not firearms on school property to include possession of firearm ammunition. The proposal also modifies some exceptions to the possession of firearms, which are punishable as a Class 6 felony, to allow a person to possess ammunition when the possession is a part of school curriculum, activities, or school-related programs.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary (see Item 8 below).

8. Fiscal Implications: According the Virginia Criminal Sentencing Commission (VCSC), 86 offenders were convicted of a Class 1 misdemeanor for possessing a weapon other than a firearm on school property from FY 2014 through FY 2019. While the majority of these offenders were not sentenced to jail, approximately 16 were sentenced to jail with a median term of 1.5 months.

The punishment for Class 1 misdemeanors is confinement in jail for not more than twelve months 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 population or the amount of fines that would be collected as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$4.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail. It also funds a large 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 2019), the estimated total state support for local jails averaged \$34.07 per inmate, per day in FY 2018.

The proposed legislation could technically increase the number of offenders that are ultimately convicted of a Class 6 felony for a third or subsequent misdemeanor offense. Class 6 felonies are punishable for a term of imprisonment of one to five 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. Although it is unlikely to result in

a substantial increase in the number of offenders based on information reported by the VCSC in the FIS, which reported that only four offenders were convicted of this felony from FY 2014 through FY 2018. None were sentenced to imprisonment so it is unlikely that the proposed legislation would substantially increase collected fines or prison sentences. As a result, the VCSC has assigned a fiscal impact of \$0.

The proposal could also reduce the number of individuals found guilty of a Class 6 felony due to possession of ammunition when the possession is a part of school curriculum, activities, or school-related programs. However, no specific data is available to determine the number of individuals convicted of possession of ammunition on school property that qualifies for this exception.

9. Specific Agency or Political Subdivisions Affected: None

10. Technical Amendment Necessary: No

11. Other Comments: None