

## **Department of Planning and Budget**

### **2022 Fiscal Impact Statement**

**1. Bill Number:** HB1078

**House of Origin**    ☒ Introduced    ☐ Substitute    ☐ Engrossed  
**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:** Cordoza

**3. Committee:** Courts of Justice

**4. Title:** Limitations on use or transfer of firearms.

**5. Summary:** Exempts non-sale transfers of firearms between a person and his spouse, parent, brother, sister, child, grandparent, or grandchild, provided that the transferee is not otherwise prohibited from possessing a firearm. The bill also removes the brandishing of a firearm while assembled with one or more persons for the purpose of and with the intent to intimidate a person or group as an action constituting the offense of unlawful paramilitary activity. This is punishable as a Class 5 felony under current law.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary. See Item 8 below.

**8. Fiscal Implications:** The Department of State Police (VSP) oversees the Commonwealth's Firearms Transaction Program. According to VSP, there is no anticipated fiscal impact on agency operations as a result of the provisions of this bill.

The proposed legislation may reduce the number of people convicted of unlawful paramilitary activity, a Class 5 felony. Under current law, a Class 5 felony is punishable by 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. Therefore, the proposed legislation could reduce the number of people sentenced to jail or prison.

According to information from the Circuit Court Case Management System (CMS) for fiscal years 2016-2021, there were 1,882 convictions for violations of § 18.2-282(A) (brandishing a firearm, a Class 1 misdemeanor). Of these, 50.1 percent were sentenced to jail with a median sentence of 1.34 months. The remainder were not sentenced to an active term of incarceration after sentencing. In that same time period, there were eight convictions for brandishing a firearm on or near school property, a violation of § 18.2-282(A) punishable as a Class 6 felony. Of these, 37.5 percent were sentenced to jail, with a median sentence of six months, 25 percent were sentenced to prison with a median sentence of 3.5 years, and the remaining cases received no active term of incarceration after sentencing. There was one conviction of third offense brandishing a firearm (§ 18.2-282(A)) and one for prohibited paramilitary

activity (§ 18.2-433.2) during this time period, but in neither case was this the most serious offense.

Any potential fiscal impact on the Department of Corrections or local and regional jails is indeterminate at this time. Any potential fiscal impact on the Commonwealth's Literary Fund, where civil fines are deposited, is indeterminate at this time.

**9. Specific Agency or Political Subdivisions Affected:** Department of State Police, Department of Corrections, Courts, Local and regional jails.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.