



Fiscal Impact Statement for Proposed Legislation
Virginia Criminal Sentencing Commission

Senate Bill No. 1181
(Patrons-- Ebbin and Boysko; Delegate: Simon)

LD#: 23104048

Date: 01/12/2023

Topic: Sale or purchase of firearm components

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000 *
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Direct Care:**
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 2 of the Acts of Assembly of 2022, Special Session I, 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:

The proposed legislation adds § 18.2-308.5:2 to the *Code of Virginia*, relating to the sale, transfer, or purchase of unfinished frames or receivers and unserialized firearms.

Under the proposed § 18.2-308.5:2(B), it would be unlawful for any person to knowingly sell, offer to sell, transfer, or purchase an unfinished frame or receiver unless the transferee or party selling, offering to sell, transferring or purchasing it is an importer, a manufacturer or a dealer, or it is required by federal law to be, and has been, imprinted with a serial number by an importer, a manufacturer, or a dealer. The proposal specifies that any person who violates § 18.2-308.5:2 would be guilty of a Class 1 misdemeanor. A second or subsequent violation under this provision would be punishable as a Class 4 felony.

Analysis:

Existing data sources do not contain sufficient detail to estimate the number of additional convictions that may result from enactment of the proposal. However, individuals convicted of a felony due to the proposal may be sentenced similarly to those convicted of possession of a sawed-off shotgun, a Class 4 felony under § 18.2-300(B).

According to the Sentencing Guidelines database for fiscal year (FY) 2017 through FY2022, 125 offenders were convicted of possession of a sawed-off shotgun under § 18.2-300(B). In 85 cases, this offense was the primary, or most serious, offense. Of these, 24.7% were sentenced to local-responsible (jail) terms with a median sentence of seven months. Another 41.2% were sentenced to state-responsible (prison) terms with a median sentence of two years. The remaining 34.1% of offenders did not receive an active term of incarceration to serve after sentencing.

Impact of Proposed Legislation:

State adult correctional facilities. By creating a new felony offense for which imprisonment is authorized, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, available data do not provide sufficient detail to estimate the number of new felony convictions that may result from enactment of the proposal. Therefore, the magnitude of the impact on prison bed space needs cannot be determined.

Local adult correctional facilities. By defining new felony and misdemeanor crimes, the proposal may also increase local-responsible (jail) bed space needs, but the magnitude of the impact cannot be determined.

Adult community corrections programs. Because the proposal could result in felony convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for state community corrections resources. Since the number of cases that may be affected by the proposal cannot be determined, the potential impact on community corrections cannot be quantified.

Virginia's Sentencing Guidelines. Felony convictions under the proposed § 18.2-308.5:2 would not be covered by the Sentencing Guidelines when this offense is the primary, or most serious, offense in a case. However, convictions under this statute could augment the Guidelines recommendation if the most serious offense at sentencing is covered by the Guidelines. No adjustment to the Guidelines would be necessary under the proposal.

Juvenile direct care. 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 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I, 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.