

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: HB11

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

2. Patron: Anderson

3. Committee: Committee Referral Pending

4. Title: Concealed handgun permits; penalties.

5. Summary: Changes the penalty for carrying a concealed weapon without a permit from a Class 1 misdemeanor to a civil penalty of not more than \$100 for a first offense. The legislation would change the penalty for a second offense from a Class 6 felony to a Class 2 misdemeanor, and the penalty for a third or subsequent offense from a Class 5 felony to a Class 1 misdemeanor. The bill also provides that unless a person is otherwise disqualified from obtaining a concealed handgun permit, such person may apply for one while he is subject to a pending charge for a violation of this section, and the court may dismiss the charges if he offers to the court a valid permit that was issued during the pendency of the proceedings.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: The proposed legislation reduces the penalty for carrying a concealed weapon without a valid permit. First, the bill changes the penalty for a first offense from a Class 1 misdemeanor to a civil penalty of up to \$100. Proceeds of all fines and penalties collected for offenses committed against the Commonwealth are paid into the state treasury to the credit of the Literary Fund. Any potential fiscal impact on the Literary Fund as a result of the proposed legislation is indeterminate at this time.

The bill changes the penalty for a second offense from a Class 6 felony to a Class 2 misdemeanor, and the penalty for a third or subsequent offense from a Class 5 felony to a Class 1 misdemeanor. 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 2 misdemeanor is subject to a sentence of up to six months in jail and a fine of not more than \$1,000, either or both.

There is not sufficient 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 \$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

varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2021), the estimated total state support for local jails averaged \$37.58 per inmate, per day in FY 2020.

9. Specific Agency or Political Subdivisions Affected: Courts, local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.