

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: HB1394

House of Origin Introduced Substitute Engrossed

Second House In Committee Substitute Enrolled

2. Patron: March

3. Committee: Committee Referral Pending

4. Title: Removes concealed handgun permit prohibition for persons posing substantial risk

5. Summary: The proposed bill repeals the procedure by which any attorney for the Commonwealth or law-enforcement officer may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm.

The bill also repeals the requirement that the Department of State Police maintain and make information available from the Substantial Risk Order Registry.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: In Virginia, there are two types of substantial risk order laws: 1) Emergency Substantial Risk Order (§ 19.2-152.13) and 2) Substantial Risk Order (§ 19.2-152.14). Violations of Virginia's substantial risk order laws are punishable as a Class 1 misdemeanor (§ 18.2-308.1:6). Under current law, 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. Any potential fiscal impact on local and regional jails, or on the Commonwealth's Literary Fund, where such fines are deposited, is indeterminate at this time.

According to the Virginia State Police (VSP) and the Office of the Executive Secretary of the Supreme Court (OES), the proposed bill does not create a material fiscal impact on their respective agencies.

9. Specific Agency or Political Subdivisions Affected: Courts, Virginia State Police, Commonwealth's Attorneys, Local law enforcement agencies, Local and regional jails.

10. Technical Amendment Necessary: No

11. Other Comments: None