

## Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. **Bill Number:** HB22H1

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

2. **Patron:** Jones

3. **Committee:** Committee on Public Safety

4. **Title:** Auto sears; prohibition on manufacture, importation, sale, etc., penalty.

5. **Summary:** The proposal adds § 18.2-308.5:2 to the Code of Virginia, relating to the manufacture, importation, sale, possession, transfer, or transportation of auto sears. Under the proposal, it would be a Class 6 felony for any person to manufacture, import, sell, offer for sale, possess, transfer, or transport one or more auto sears in the Commonwealth. The proposal defines an auto sear as a device made of any material designed for use in converting a firearm to shoot automatically more than one shot, without manual reloading, by a single function of the trigger.

6. **Budget Amendment Necessary:** Yes. Item 390.

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

8. **Fiscal Implications:** The proposal creates a new Class 6 felony for any person who manufactures, imports, sells, offers to sell, possesses, transfers, or transports one or more auto sears in the Commonwealth. By creating a new Class 6 felony, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. For someone convicted of a Class 6 felony, a judge has the option of sentencing the offender to a term of imprisonment of not less than one year nor more than 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. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

However, 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. Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 1, 2023 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

The proposal may also increase local-responsible (jail) bed space needs. However, the magnitude of the impact cannot be determined. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$5.00 a day for

each misdemeanor or otherwise local-responsible prisoner held in a jail and \$15.00 a day for each state-responsible prisoner. It also funds a considerable 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 2023), the estimated total state support for local jails averaged \$45.76 per inmate, per day in FY 2022.

**9. Specific Agency or Political Subdivisions Affected:** Courts, Commonwealth's Attorneys, Public Defenders' Offices, law enforcement agencies, Department of Corrections, local and regional correctional facilities.

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

**11. Other Comments:** None.