

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: SB368E

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

2. Patron: Boysko

3. Committee: Courts of Justice

4. Title: Storage of firearms in a residence where a minor or person prohibited from possessing a firearm.

5. Summary: This proposal requires any person who possesses a firearm in a residence where such person knows that a minor or a person who is prohibited by law from possessing a firearm is present to store such firearm and the ammunition for such firearm in a locked container, compartment, or cabinet that is inaccessible to such minor or prohibited person or in a biometric storage device if the firearm is loaded. The bill provides that a violation is a Class 4 misdemeanor. The bill exempts (i) any person in lawful possession of a firearm who carries such firearm on or about his person and (ii) the storage of antique firearms and provides that the lawful authorization of a minor to access a firearm is not a violation of the bill's provisions. The bill also requires firearm dealers to post a notice stating such firearm storage requirements and the penalty for improperly storing such firearms. A violation of this provision is also a Class 4 misdemeanor.

6. Budget Amendment Necessary: Indeterminate.

7. Fiscal Impact Estimates: Preliminary, see Item 8 below.

8. Fiscal Implications: The bill provides that a loaded firearm may be stored provided that (i) such firearm is stored in a biometric storage device and (ii) no minor is an authorized user for the lock of such biometric storage device. Upon further review, the Department of State Police (VSP) believes this bill's provision may have a fiscal impact on the agency.

According to VSP, sworn officers are currently encouraged to use state-issued trigger locks on unattended service pistols to enhance the safe storage of the pistols. Additionally, the agency reports that sworn employees are required to store their rifles and shotguns in their vehicles, utilizing the gun vault or cable securing system within the vehicles. However, not all state-issued vehicles are equipped with pistol lock boxes.

The bill requires that if the firearm is to be stored loaded, it must be stored in a biometric storage device. As a result, VSP believes more than the state-issued trigger locks would be required to meet the requirements of this bill. VSP reports it would have to purchase biometric storage devices for its sworn officers to meet the bill's intent. However, at this time, the number of sworn officers who currently utilize a biometric storage device is

unknown, as is how many leave their firearms loaded when off-duty. Therefore, the total fiscal impact on the agency's operation can only be determined when VSP assesses each individual practice of its sworn employees. At this time, VSP reports it has over 2,000 sworn employees. For reference, biometric pistol safes can cost between \$70 and \$250 in the retail market depending on capacity and options.

The impact on other state and local law enforcement agencies, who would also be required to meet the requirements of this legislation, cannot be determined at this time.

The proposal creates new Class 4 misdemeanor penalties. A Class 4 misdemeanor is punishable by a fine of up to \$250. These offenses do not carry jail time. All revenues collected from such fines are deposited into the Literary Fund. However, it is not feasible to estimate either the number of convictions that may result or the amount of each fine assessed under this legislation.

9. Specific Agency or Political Subdivisions Affected: Courts, state and local law enforcement agencies.

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is similar to HB183.