



## Impact Analysis on Proposed Legislation

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### *Virginia Criminal Sentencing Commission*

### **Senate Bill No. 265**

*(Patron – Cuccinelli)*

**Date Submitted:** 1/9/04

**LD #:** 04-4647720

**Topic:** Application for voter registration; political party affiliation

#### **Proposed Change:**

The proposal adds §§ 24.2-418.1 and 24.2-423.1. The proposed legislation would:

- Include political party affiliation or independent status on the application for voter registration;
- Define procedures for voters to change political party affiliation or independent status on their registration information; and
- Subject violators of the procedure for changing political party affiliation or independent status on their registration to the penalties provided in § 24.2-1016 (Class 5 felony).

The current *Code of Virginia* does not include requirements for voter registration of political party affiliation or independent status, or the procedures for changing such status.

Convictions for voting/elections offenses are not covered by the sentencing guidelines as the primary, or most serious, offense. Still, this offense may augment the guidelines recommendation if a covered offense is the most serious at conviction.

#### **Data Analysis:**

According to the Fiscal Year (FY) 2000 and FY2001 Pre/Post-Sentence Investigation (PSI) database, there were three felony convictions for violations of § 24.2-1016 as the primary offense in a sentencing event. One offender received probation, another was sentenced to 10 days in jail, and the third offender was sentenced to 33 months in prison. There was also one conviction for a violation of § 24.2-1016 as an additional offense in a sentencing event. In this case the primary offense was making false statements on a consent form when attempting to obtain a firearm (§ 18.2-308.2:2(K)) and the offender received probation.

#### **Impact of Proposed Legislation:**

The proposed legislation may have an impact on the bed space needs of the Commonwealth. This proposal describes additional violations of § 24.2-1016. However, the databases available to the Commission are insufficient to provide information on the number of new convictions that may result

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The Commission provides analyses of the impact on prison and jail bed space and community corrections placement needs in accordance with § 30-19.1:4. Impact analyses do not comment on the merits of the bill under review.

under the proposed legislation. No adjustment to the guidelines would be necessary under the proposal.

**Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

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