



## Fiscal Impact Statement for Proposed Legislation

### *Virginia Criminal Sentencing Commission*

**House Bill No. 24**  
**Enrolled**  
**(Patron Prior to Enrollment – Purkey)**

**LD #:** Enrolled

**Date:** 11/18/2005

**Topic:** Assistance to certain voters

**Fiscal Impact Summary:**

- **State Adult Correctional Facilities:**  
Cannot be determined
- **Local Adult Correctional Facilities:**  
Cannot be determined
- **Adult Community Corrections Programs:**  
Cannot be determined

- **Juvenile Correctional Centers:**  
None (\$0)
- **Juvenile Detention Facilities:**  
None (\$0)

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**Summary of Proposed Legislation:**

The proposal amends §§ 24.2-649, 24.2-704, and 24.2-1012, relating to assistance to certain voters and assistance in voting absentee ballots. Currently, subsections A and B of § 24.2-649 describe the assistance which may be given to qualified voters who require it due to blindness, physical disability, or an inability to read or write. Any person who willfully violates subsection B is guilty of a Class 1 misdemeanor. In addition, the provisions of § 24.2-1016 and its felony penalties for false statements are applicable to any request or statement signed pursuant to this section. The proposed § 24.2-649 specifies that the provisions of §§ 24.2-704 and 24.2-1012 and the felony penalties for violations of the law related to providing assistance to absentee voters may also be applied in cases where voters require assistance due to blindness, physical disability, or an inability to read or write.

Currently, § 24.2-704 specifies that the application for an absentee ballot shall provide space for the applicant to indicate that he or she will require assistance to vote, and that the provisions of § 24.2-649 apply to absentee voting and assistance for absentee voters. Under the proposed § 24.2-704, any willful violation of the provisions of this section or § 24.2-649 in providing assistance to a person who is voting absentee is a Class 5 felony.

According to the current § 24.2-1012, any person who knowingly aids or abets or attempts to aid or abet a violation of the absentee voting procedures prescribed in Chapter 7 of Title 24 (§ 24.2-700 *et seq.*) is guilty of a Class 5 felony. The proposal expands this section to include violations under § 24.2-649.

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**Analysis:**

According to the Local Inmates Data System (LIDS) for fiscal year (FY) 2003 and FY2004, there were no convictions for misdemeanor violations of § 24.2-649. According to fiscal year (FY) 2002 and 2003 Pre/Post Sentence Investigation (PSI) data, there were no felony convictions under the current § 24.2-1012 for absentee voting procedure violations. Seven offenders were convicted of felony

election fraud for making false statements under § 24.2-1016; two offenders (29%) received local-responsible (jail) sentences of one and six months, while the remaining five offenders (71%) were sentenced to probation. However, the data available to the Commission do not contain sufficient detail to identify the number of convictions connected with applications for voter assistance.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** The proposed legislation creates a new Class 5 felony and also expands the application of existing Class 5 and Class 4 felonies in cases involving assistance to a person who is voting absentee. The proposal, therefore, may increase the state-responsible (prison) bed space needs of the Commonwealth; however, the magnitude of the potential impact cannot be determined.

**Local adult correctional facilities.** The proposed legislation creates a new Class 5 felony and also expands the application of existing Class 5 and Class 4 felonies in cases involving assistance to a person who is voting absentee. The proposal, therefore, may increase the local-responsible (jail) bed space needs of the Commonwealth; however, the magnitude of the potential impact cannot be determined.

**Adult community corrections programs.** Because the proposal may result in additional offenders placed on community supervision (or lengthier supervision periods for offenders already in the community), the proposal may have an impact on community corrections resources. The potential impact on adult community corrections cannot be determined.

**Virginia's sentencing guidelines.** Convictions for voter assistance or absentee voting procedure violations are not covered by the sentencing guidelines as the primary (or most serious) offense but may augment the guidelines recommendation if a covered offense is the most serious at conviction. No adjustment to the guidelines would be necessary under the proposal.

**Juvenile correctional centers.** According to the Department of Juvenile Justice (DJJ), the proposal is not expected to increase juvenile correctional center (JCC) bed space needs.

**Juvenile detention facilities.** The Department of Juvenile Justice (DJJ) reports that the proposal is not expected to increase the bed space needs of juvenile detention facilities.

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**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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