



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1725

(Patron – Rust)

LD#: 13101841

Date: 1/7/2013

Topic: Absentee ballot applications

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000 *
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Correctional Centers:**
Cannot be determined
- **Juvenile Detention Facilities:**
Cannot be determined

* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 3 of the Acts of Assembly of 2012, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

Currently, § 24.2-1012 of the *Code of Virginia* makes it a Class 5 felony to aid or abet a violation of the absentee voting procedures described in § 24.2-649 (assistance for certain voters) or Chapter 7 of Title 24.2. The proposal expands this prohibition and the Class 5 felony penalty to include aiding or abetting a violation of the absentee voting procedures prescribed in the Uniform Military and Overseas Voters Act (§ 24.2-451 et seq.).

By adding § 24.2-701.1 to the *Code*, the proposal establishes a procedure that must be followed by individuals who offer to mail or deliver 25 or more absentee ballot applications. Pursuant to the proposed § 24.2-1012(A), a violation of the new procedure would be punishable as a Class 4 misdemeanor. In addition, intentionally interfering with an individual's effort to apply for an absentee ballot by destroying the application or failing to deliver the application would be a Class 1 misdemeanor.

Analysis:

Existing data do not contain sufficient detail to determine the number of individuals who aid or abet a violation of absentee voting procedures involving military and overseas voters. Available data only reflect individuals convicted under existing provisions. The Circuit Court Case Management System (CCMS)¹ for fiscal years 2011 and 2012 indicates that there were no felony convictions under § 24.2-1012 for aiding or abetting a violation of the absentee voting procedures prescribed in § 24.2-649 or Chapter 7 of Title 24.2.

¹ Formerly referred to as the Court Automated Information System (CAIS).

Impact of Proposed Legislation:

State adult correctional facilities. Because it expands an existing felony offense, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, existing data do not provide sufficient detail to estimate the number of new felony convictions that could result from enactment of the proposal. Therefore, the impact on prison bed space needs cannot be determined.

Local adult correctional facilities. Similarly, the proposal may also increase local-responsible (jail) bed space needs; however, the magnitude of the impact cannot be determined.

Adult community corrections programs. Because the proposal could result in felony convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for adult community corrections resources. Since the number of cases that may be affected cannot be determined, the potential impact on community corrections resources cannot be quantified.

Virginia's sentencing guidelines. Convictions under § 24.2-1012 are not covered by the sentencing guidelines as the primary (most serious) offense in a case; however, a conviction under this provision can augment the guidelines recommendation if the most serious offense at sentencing is covered by the guidelines. No adjustment to the guidelines would be necessary under the proposal.

Juvenile correctional centers. The Department of Juvenile Justice (DJJ) reports that the proposal may have an impact on juvenile correctional center bed space needs. However, the actual impact cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice reports that, while the proposal may have an impact on juvenile detention bed space needs, the actual impact cannot be determined.

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; therefore, Chapter 3 of the Acts of Assembly of 2012, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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