



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1454

(Patron – Black)

LD#: 17103150

Date: 1/3/2017

Topic: Illegal voter registration

Fiscal Impact Summary:

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

- **Juvenile Direct Care:**
Cannot be determined **
- **Juvenile Detention Facilities:**
Cannot be determined **

** Provided by the Department of Juvenile Justice

* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 780 of the 2016 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

The proposal amends § 24.2-1004 and adds § 24.2-1004.1 to the *Code of Virginia* regarding illegal voter registration. Currently, under subsection C of § 24.2-1004, any person who intentionally registers to vote at more than one residence address, or procures, assists, or induces another to register to vote at more than one residence address is guilty of a Class 6 felony. The proposal eliminates subsection C of § 24.2-1004 and transfers language describing these offenses to the proposed § 24.2-1004.1. The proposed § 24.2-1004.1 also specifies that any person who intentionally procures, assists, or induces another to register to vote, or submits a voter registration application on behalf of another, knowing such individual is not a citizen of the United States, is guilty of a Class 6 felony.

Analysis:

According to the Circuit Court Case Management System (CMS) for fiscal year (FY) 2011 through FY2016, there were no convictions under subsection C of § 24.2-1004.

Impact of Proposed Legislation:

State adult correctional facilities. The proposal transfers language describing two existing felony offenses to the proposed § 24.2-1004.1. The proposal also creates a new Class 6 felony for certain acts related to illegal voter registration. Thus, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, existing data sources do not contain sufficient detail to estimate the number of additional felony convictions that may result from enactment of the proposal. Therefore, the magnitude of the impact on prison bed space needs cannot be determined.

Local adult correctional facilities. The proposal's impact on local-responsible (jail) bed space needs cannot be determined.

Adult community corrections resources. The potential impact on community corrections cannot be quantified.

Virginia's sentencing guidelines. Violations of the proposed § 24.2-1004.1 would not be covered by the sentencing guidelines when the violation is the primary, or most serious, offense in a case. However, convictions under this statute could augment the guidelines recommendation if the most serious offense at sentencing is covered by the guidelines. No adjustment to the guidelines is necessary under the proposal.

Juvenile direct care. According to the Department of Juvenile Justice (DJJ), the impact of the proposal on direct care (juvenile correctional center or an alternative commitment placement) bed space needs cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal's impact on the bed space needs of juvenile detention facilities 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 780 of the 2016 Acts of Assembly 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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