



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1455

(Patron – Black)

LD#: 17103149

Date: 1/3/2017

Topic: Payments for registering to vote

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 adds § 24.2-1004.1, relating to voter registration, to the *Code of Virginia*. Under the proposal, it would be a Class 5 felony for any person to give, offer, or promise any payment to another in exchange for that person registering to vote. It would be a Class 1 misdemeanor for a person to solicit or accept payment from another in exchange for registering to vote.

Currently, several sections of the *Code* contain provisions that apply specifically to voter registration. Under § 24.2-1002, any person who, by threats or force, interferes with or attempts to interfere with any registrar in the discharge of his duty, any person applying to register or declining to apply to register, or any person going to or leaving a registration location is guilty of a Class 1 misdemeanor. Under § 24.2-1002.01, it is a Class 1 misdemeanor for a person to agree to mail or deliver a voter registration application for another and intentionally destroy or fail to deliver that application. It is a Class 5 felony under this section to intentionally solicit multiple registrations from any one person or intentionally falsify a registration application. In addition, § 24.2-1004(C) specifies that any person who intentionally registers to vote at more than one residence at the same time or who procures, assists or induces another to register at more than one residence is guilty of a Class 6 felony.

It is currently a Class 1 misdemeanor under § 24.2-1005 to threaten, bribe or otherwise influence a person in giving his vote or to use such means to deter a person from voting.

Analysis:

According to the Circuit Court Case Management System (CMS) for fiscal year (FY) 2011 through FY2016, there were no felony convictions under § 24.2-1002, § 24.2-1002.01, or § 24.2-1004(C) during the six-year period.

Based on General District Court CMS data for FY2011 to FY2016, one offender appears to have been convicted of a misdemeanor voter registration offense; however, it is unclear which specific provision was violated.

Impact of Proposed Legislation:

State adult correctional facilities. Because it defines a new Class 5 felony offense, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, existing databases do not provide sufficient detail to estimate the number of new felony convictions likely to result from enactment of the proposal. Therefore, the magnitude of the impact on prison bed space needs cannot be quantified.

Local adult correctional facilities. Similarly, the proposal may also increase the local-responsible (jail) bed space needs of the Commonwealth. 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. Since the proposal defines a new felony offense, convictions under the proposed section of the *Code* would not be covered by the sentencing guidelines as the primary, or most serious, offense. Such a conviction, however, 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 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.