



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 65

(Patron – Toscano)

LD#: 10100723

Date: 1/5/2010

Topic: False statement regarding use of print-on-demand ballots

#### Fiscal Impact Summary:

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

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

\* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 781 of the 2009 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 § 24.2-620 by adding language that establishes procedures for the use of print-on-demand ballots for the purpose of absentee or emergency voting. Under the amendment, any person assigned to print ballots must sign a statement agreeing to print only the number of ballots needed, destroy any imperfect or extra ballots, distribute the ballots as soon as they are printed and not to communicate the size, style or content of the ballots. Any violation would be subject to the penalties established by § 24.2-1016 and would be considered election fraud. The penalty established by § 24.2-1016 would make any violation of this proposal a Class 5 felony.

#### Analysis:

According to the Circuit Court Automated Information System (CAIS) for fiscal years 2008 and 2009, there were 15 convictions for felony violations of § 24.2-1016 related to election fraud. Only one offender received a local-responsible jail term (three months). The remaining offenders did not receive an active term of incarceration to serve.

#### Impact of Proposed Legislation:

**State adult correctional facilities.** Adding a new felony to § 24.2-620 may increase the future state-responsible (prison) bed space needs of the Commonwealth. The number of additional felony convictions that may result from the proposal cannot be estimated. Available data, however, reveal that no offenders received prison time for convictions under § 24.2-1016 during a recent two-year period. While the impact of the proposal on prison bed space cannot be quantified, it is likely to be small.

**Local adult correctional facilities.** The proposal could also increase local-responsible (jail) bed space needs of the Commonwealth. While the size of the impact cannot be quantified, it is likely to be small.

**Adult community corrections programs.** The proposal may increase the need for state community corrections resources. The magnitude of the impact cannot be estimated but is likely to be small.

**Virginia's sentencing guidelines.** Convictions under § 24.2-620 and 24.2-1016 are not covered by the sentencing guidelines as the primary (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 would be necessary under the proposal.

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

**Juvenile detention facilities.** The Department of Juvenile Justice 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; therefore, Chapter 781 of the 2009 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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

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