



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 190

(Patron – Levine)

LD#: 20103802

Date: 12/17/2019

Topic: Signed statements and IDs in lieu of required voter IDs with photo

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
None (\$0)
- **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

Summary of Proposed Legislation:

The proposal amends §§ 24.2-404, 24.2-411.1, 24.2-643, 24.2-653, and 24.2-701 of the *Code* relating to voter identification. Currently, a voter who does not show one of the required forms of identification containing a photo is provided a provisional ballot. Under the proposal, a voter would be required to show one of the following: a voter registration confirmation document; a valid Virginia driver's license, a valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. The proposal also adds language regarding the identification requirements pursuant to the federal Help America Vote Act of 2002.

As proposed, a voter who does not show one of the required forms of identification would be allowed to vote after signing a statement that the voter is the named registered voter he or she claims to be. Under § 24.2-1016, any willfully false material statement or entry made by any person in any statement, form, or report required by Title 24.2 constitutes election fraud and is punishable as a Class 5 felony. The proposal restores the use of signed statements for voting that was in effect prior to the 2012 amendments.

Analysis:

According to the Circuit Court Case Management System (CMS) for fiscal year (FY) 2014 through FY2019, 31 offenders were convicted of a Class 5 felony under § 24.2-1016. This offense was the

primary, or most serious, offense in 26 cases. Of these, 25 offenders (96.2%) did not receive an active term of incarceration to serve after sentencing. One offender (3.8%) received a local-responsible (jail) term with a median sentence of approximately 20 days. None of these offenders were sentenced to a state-responsible (prison) term.

Impact of Proposed Legislation:

State adult correctional facilities. The proposal expands the applicability of § 24.2-1016 to include violations under the proposed requirements for signed statements in lieu of required identification forms. Currently, signed statements for voting are not utilized by *Code*. Thus, the proposal may increase the number of offenders convicted of a felony under § 24.2-1016 in the future. In the six most recent fiscal years, however, none of the offenders convicted of a felony under § 24.2-1016 have received a state-responsible (prison) sentence. Therefore, the proposal is not expected to increase the state-responsible bed space needs of the Commonwealth during the six-year window specified by § 30-19.1:4 for legislative impact statements.

Local adult correctional facilities. By expanding the applicability of an existing felony, the proposal may increase local-responsible (jail) bed space needs. Because the number of new convictions resulting from the proposal cannot be determined, the magnitude of the impact on jail bed space needs cannot be estimated.

Adult community corrections resources. 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 state community corrections resources. Since the number of cases that may be affected by the proposal cannot be determined, the potential impact on community corrections cannot be quantified.

Virginia's sentencing guidelines. Violations of § 24.2-1016 are not covered by the sentencing guidelines when this offense 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, 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 is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.