



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1092

(Patron – Ebbin)

LD#: 23100626

Date: 01/03/2023

Topic: Interference with employees of election officials

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 (likely negligible)**
- **Juvenile Detention Facilities:**
Cannot be determined (likely negligible)**

* 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 2 of the Acts of Assembly of 2022, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, fiscal impact statements prepared by the Virginia Criminal Sentencing Commission only include the estimated increase in operating costs associated with additional state-responsible prison beds and do not reflect any other costs or savings that may be associated with the proposed legislation.

Summary of Proposed Legislation:

The proposal amends § 24.2-418 by including any election official or employee of an election official as a protected voter. Protected voters are allowed to provide on the application for voter registration, in addition to the voter's residence street address, a post office box. The post office box would be the address included on lists of registered voters or other voter registration records made available for public inspection. The bill also expands the application of § 24.2-1000 to make it a Class 5 felony to hinder or prevent an employee of an election official from administering an election.

Currently, § 24.2-1000 defines a Class 5 felony for "Any person who, by bribery, intimidation, or other means in violation of the election laws, willfully hinders or prevents, or attempts to hinder or prevent, the officers of election at any precinct from holding an election."

Analysis:

According to the Circuit Court Case Management System (CMS) for fiscal year (FY) 2017 through FY2022, zero offenders were convicted of a Class 5 felony under § 24.2-1000.

Impact of Proposed Legislation:

State adult correctional facilities. The proposal expands the applicability of § 24.2-1000 to include employees of election officials. Thus, the proposal may increase the number of offenders convicted of a Class 5 felony under § 24.2-1000 in the future. However, existing data do not provide sufficient detail to estimate the number of new felony convictions or the types of sentences that could result from enactment of the proposal. Therefore, the impact on prison bed space needs cannot be determined.

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 and corresponding sentences resulting from the proposal cannot be determined, and 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 § 24.2-1000 are not covered by the Sentencing Guidelines when this offense is the primary, or most serious, offense in a case. However, a conviction under this statute could augment the Guidelines recommendation (as an additional offense) 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, but it is likely negligible.

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, but it is likely negligible.

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 2 of the Acts of Assembly of 2022, 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.