

## Department of Planning and Budget 2024 Session Fiscal Impact Statement

**1. Bill Number:** SB364

**House of Origin**    ☐ Introduced    ☐ Substitute    ☐ Engrossed  
**Second House**    ☐ In Committee    ☐ Substitute    ☒ Enrolled

**2. Patron:** Ebbin

**3. Committee:** Passed Both Houses

**4. Title:** Elections; protection of election officials; penalty.

**5. Summary:** Adds to the list of protected voters any current or former elector for President and Vice President of the United States and any current or former election official or employee of an election official. Protected voters are permitted by law to provide on the application for voter registration, in addition to the voter's residence street address, a post office box address located within the Commonwealth, which would be the address included on (i) lists of registered voters and persons who voted, (ii) voter registration records made available for public inspection, and (iii) lists of absentee voter applicants. The bill also makes it a Class 5 felony to, by bribery, intimidation, threats, coercion, or other means in violation of election laws, willfully and intentionally, hinder or prevent an election official or employee of an election official from administering elections. Under current law, it is only a Class 5 felony to hinder or prevent an officer of election at a location being used for voting from holding an election. The bill also makes it a Class 5 felony to commit such acts against an elector for President and Vice President of the United States. The bill also makes it a Class 6 felony for any person who, by threats to kill or do bodily injury, willfully and intentionally intimidates, coerces, or harasses another because of his current or former status as an elector, election official, or employee of an election official. The bill creates a civil action for any person who was a victim of any conduct that constitutes a felony or a misdemeanor and establishes that such conduct was directed at him because of his status as an elector, election official, employee of an election official, election worker, or election volunteer.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** See below.

**8. Fiscal Implications:** The proposed legislation is not expected to have a fiscal impact on the Department of Elections.

For someone convicted of a Class 5 felony, a term of imprisonment of not less than one year nor more than 10 years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$5.00 a day for each misdemeanor or otherwise local-responsible prisoner held in a jail and \$15.00 a day for each state-responsible prisoner. It also funds a considerable portion of the jails' operating costs, e.g., correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2023), the estimated total state support for local jails averaged \$45.76 per inmate, per day in FY 2022.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 1, 2023 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

- 9. Specific Agency or Political Subdivisions Affected:** Virginia Department of Elections, State Board of Elections, localities (General Registrars and Electoral Boards), Virginia State Police, and the Department of Corrections.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.

March 27, 2024