



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1069

(Patron – Quayle)

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LD #: 01-4604520

Topic: Obtaining gift certificate by false pretense.

Proposed Change:

Amends §18.2-178 to explicitly include gift certificates.

Current Practice:

Currently, under §18.2-178, obtaining money or other property by false pretense is punishable as a Class 1 misdemeanor if the obtained value is less than \$200 and, if the obtained value is \$200 or more, the crime is punishable as a felony with a sentence range of one to 20 years. In addition, obtaining a signature to a writing by false pretense is a Class 4 felony.

Analysis of the first nine months of CY2000 Local Inmate Data System (LIDS) data reveals there were 209 offenders convicted of obtaining money or property valued less than \$200 by false pretense who served time in jail awaiting trial or after conviction. These detained offenders received a median local-responsible (jail) term of two months. Based on FY1997 and FY1998 Pre/Post-Sentence Investigation (PSI) data, 405 offenders were convicted for obtaining money or property valued at \$200 or more by false pretense (see *Background Sentencing Information* below). One-third of these offenders were sentenced to a state-responsible (prison) term, with a median sentence of 20 months. Almost half (46%) of these offenders were sentenced to probation. Only six offenders were convicted of obtaining a signature in writing by false pretense, according to FY1997 and FY1998 PSI data. None of these offenders received prison sentences, three received probation, and three received local-responsible (jail) terms with a median sentence of nine months.

Felony convictions under §18.2-178 are covered by the sentencing guidelines. During FY2000, 58% of the offenders convicted of this crime as the primary, or most serious, offense were recommended for a term of incarceration greater than six months. In such cases, offenders begin with a midpoint recommendation of seven months, but additional or prior record offenses and the offender's legal status at the time of offense all serve to increase the recommended sentence.

Background Sentencing Information

Crime	Number of Cases	% No Incarceration	% Local Responsible	% State Responsible	Median State-Responsible Sentence
False pretense, obtain money or property \$200 or more	405	46%	21%	33%	1.7 yrs
False pretense, obtain signature to a writing	6	50%	50%	0%	NA

Data Sources: FY1997-98 Pre/Post-Sentence Investigation (PSI) database.

Impact of Proposed Legislation:

The proposed legislation is not expected to have an impact on state-responsible (prison) beds. Although existing criminal justice databases do not contain information on the number of offenders obtaining gift certificates by false pretense, it is likely that such items are covered as “other” property in the existing statute or under other statutes in the Code of Virginia. No adjustment to the sentencing guidelines would be necessary under the proposal.

Estimated Six-Year Impact in State-Responsible (Prison) Beds

FY02	FY03	FY04	FY05	FY06	FY07
0	0	0	0	0	0

Pursuant to §30-19.1:4, the estimated amount of the necessary appropriation is \$0.