Department of Planning and Budget
2004 Fiscal Impact Statement

1. **Bill Number:** HB1278

   House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

   Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. **Patron** Suit

3. **Committee** Passed Both Houses

4. **Title** Theft of oysters and clams.

5. **Summary/Purpose:**
   Provides that any person who takes naturally occurring oysters or clams from leased planting grounds without the permission of the owner is guilty of larceny.

6. **Fiscal Impact Estimates are not available:** See Item 8

7. **Budget amendment necessary:** No.

8. **Fiscal implications:** The proposed legislation extends the larceny penalty to persons who take naturally occurring oysters or clams from leased planting grounds without the permission of the owner.

   The larceny statutes provide that if the value of the property taken is less than $200, the person removing the property is guilty of petit larceny. Petit larceny is a misdemeanor crime. If the value of the property is $200 or more, the offender is guilty of grand larceny. Grand larceny is a felony crime. According to the Virginia Criminal Sentencing Commission, the proposed legislation may have an impact on state-responsible beds. However, the extent of the impact, if any, cannot be determined.

   Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities $8.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds most 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, the estimated total state support for local jails averaged $29.80 per inmate, per day in FY 2002.

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responsible prisoner held in a jail. It also funds the majority of the jails' operating costs, e.g. correctional officers. The state's share of these costs varies from locality to locality. According to the Compensation Board's most recent Jail Cost Report (FY 2002), the estimated total state support for local jails averaged $29.80 per inmate, per day in FY 2002.

9. **Specific agency or political subdivisions affected:** Marine Resources Commission, Compensation Board, and the Department of corrections

10. **Technical amendment necessary:** None.

11. **Other comments:** None.

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cc: Secretary of Natural Resources
Secretary of Public Safety