

Department of Planning and Budget 2004 Fiscal Impact Statement

1. Bill Number HB493

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Engrossed
Second House	<input checked="" type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron Kilgore

3. Committee Courts of Justice

4. Title Theft of timber; penalty.

5. Summary/Purpose:

Provides treble damages plus reforestation costs against any person who removes timber from the land of another without legal right or permission, and establishes a criminal penalty for the theft of timber.

6. Fiscal Impact Estimates are: Preliminary. See item 8, below.

7. Budget amendment necessary: No.

8. Fiscal implications: The proposed legislation establishes a new penalty for unlawfully knowingly and willfully removing from timber from the lands of another.

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 misdemeanor 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: Compensation Board, Department of Corrections, Department of Forestry.

10. Technical amendment necessary: No.

11. Other comments: None.

Date: 02/23/04 /tmw

Document: G:\2004 Session\Legislation\Hb493h1.Doc

cc: Secretary of Commerce and Trade
Secretary of Public Safety