

Department of Planning and Budget 2004 Fiscal Impact Statement

1. Bill Number SB548

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

2. Patron Puckett

3. Committee Passed Both Houses

4. Title Theft of timber; penalty.

5. Summary/Purpose:

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

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

7. Budget amendment necessary: No.

8. Fiscal implications: This bill adds a section that provides that any person who knowingly and unlawfully removes timber from the lands of another is guilty of larceny. There are two types of larceny, grand larceny and petit larceny, as defined by the value of the property stolen. If the value of the property removed 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 timber 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. Similarly, any impact on jails and community corrections cannot be quantified.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. According to the Virginia Criminal Sentencing Commission, not enough information is 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 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.

Any revenue impact is not known.

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: 03/29/04/tmw

Document: G:\2004 Session\Legislation\SB548ER.Doc

cc: Secretary of Commerce and Trade
Secretary of Public Safety