

Department of Planning and Budget 2004 Fiscal Impact Statement

1. Bill Number SB548

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 Puckett

3. Committee Courts of Justice

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: Preliminary. See item 8, below.

7. Budget amendment necessary: No.

8. Fiscal implications: This proposal establishes two new penalties for unlawfully knowingly and willfully removing merchantable timber. If the value of the timber removed is less than \$200, the person removing the timber 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. 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.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. Again, 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 misdemeanor 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:

Another bill relating to theft of timber, HB 493, is currently in the House Courts of Justice Committee.

Date: 02/10/04/tmw

Document: G:\2004 Session\Legislation\Sb548s2.Doc

cc: Secretary of Commerce and Trade
Secretary of Public Safety