



## Impact Analysis on Proposed Legislation

*Virginia Criminal Sentencing Commission*

### House Bill No. 2674

*(Patron – Ebbin et al.)*

**Date Submitted:** 1/3/2005

**LD #:** 05-6052300

**Topic:** Payment of wages with bad checks

#### **Proposed Change:**

The proposed legislation amends § 18.2-182 to increase the penalty for issuing a bad check for the payment of wages from a Class 1 misdemeanor to a Class 6 felony when the value is \$200 or more.

#### **Analysis:**

According to the fiscal year (FY) 2003 and FY2004 Local Inmate Data System (LIDS), five offenders held pre- or post-trial in jail were convicted under § 18.2-182 for issuing a bad check for the payment of wages. All of these offenders received a local-responsible (jail) term, with a median sentence of six months. LIDS data do not capture offenders charged with this offense who are never held in a local jail facility.

#### **Impact of Proposed Legislation:**

Because the proposal increases the penalty for an existing crime from a misdemeanor to a felony in certain circumstances, the proposed legislation is expected to increase the state-responsible (prison) bed space needs of the Commonwealth. Data are insufficient to determine the number of incidents that surpass the proposed \$200 threshold. In addition, available misdemeanor data are limited to individuals held in local jails; persons who are never booked into a jail are not reflected in the data. Thus, the data likely do not fully represent the number of cases resulting in conviction under this statute. For these reasons, the impact of the proposal cannot be quantified.

If the proposal is adopted, convictions under § 18.2-182 would not be covered by the sentencing guidelines as the primary (most serious) offense but could augment the guidelines recommendation if a covered offense is the most serious at conviction. No adjustment to the guidelines would be necessary under the proposal.

**Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

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