



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 284
Engrossed
(Patron Prior to Engrossment – Norment)

LD #: 06-1235780

Date: 2/10/2006

Topic: Computer fraud

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
Cannot be determined
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Correctional Centers:**
None (\$0)
- **Juvenile Detention Facilities:**
None (\$0)

Summary of Proposed Legislation:

The proposal amends § 18.2-152.3 relating to computer fraud. The proposal would eliminate the phrase “without authority” from the description of any of the defined offenses except converting the property of another. Currently, any person who uses a computer or computer network *without authority*, and who 1) obtains property or services by false pretenses, 2) embezzles or commits larceny, or 3) converts the property of another is guilty of computer fraud. If the value of the property or services obtained is \$200 or more, this offense is punishable as a Class 5 felony; otherwise, it is a Class 1 misdemeanor.

Analysis:

According to fiscal year (FY) 2003 and 2004 Local Inmate Data System (LIDS) data, there were four convictions for misdemeanor violations of § 18.2-152.3 with a value of less than \$200. All of these offenders received local-responsible (jail) terms with a median sentence of 4.3 months.

According to FY 2002 and FY 2003 Pre/Post Sentence Investigation (PSI) data, one offender was convicted of unauthorized use of a computer to embezzle \$200 or more and another was convicted of unauthorized use of a computer to convert another’s property worth \$200 or more. Both of these individuals were sentenced to probation.

Impact of Proposed Legislation:

State adult correctional facilities. The proposed legislation may increase the state-responsible (prison) bed space needs of the Commonwealth, but the magnitude of that impact cannot be quantified. The databases available to the Commission are insufficiently detailed to identify the number of new convictions resulting from the authorized use of a computer to commit computer fraud.

Local adult correctional facilities. The proposal may increase the need for additional local-responsible (jail) beds, but the magnitude of that impact cannot be determined.

Adult community corrections programs. The proposal may have an impact on community corrections resources, but this impact cannot be determined.

Virginia's sentencing guidelines. Convictions under § 18.2-152.3 are not covered by the sentencing guidelines, but may appear as additional offenses that augment the guidelines recommendation. No adjustment to the guidelines is necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), the proposal is not expected to increase juvenile correctional center (JCC) bed space needs.

Juvenile detention facilities. The Department of Juvenile Justice (DJJ) reports that the proposal is not expected to increase the bed space needs of juvenile detention facilities.

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.

compfraud05_1235