



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2321

Amendment in the Nature of a Substitute

(Patron Prior to Substitute – Gilbert)

LD#: 07-7809306

Date: 1/18/2007

Topic: Larceny by computer

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
- **Juvenile Detention Facilities:**
None

Summary of Proposed Legislation:

The proposal amends § 18.2-152.6:1 by adding two new crimes pertaining to larceny by a computer or computer network: 1) using a computer to purchase or attempt to purchase property or services with a mode of payment known to be false or without the responsible payer's consent and 2) using a computer to sell or attempt to sell property known to be stolen. These crimes are to be punished as larcenies; if the value is \$200 or more, then the penalty is a felony with 1 to 20 years imprisonment, and if the value is less than \$200, then it becomes a Class 1 misdemeanor.

Currently, §§ 18.2-95 and 18.2-96 defines the penalties (described above) associated with larcenies and may apply to some of the acts prohibited under the proposal. Other provisions of the *Code of Virginia*, such as credit card fraud (§§ 18.2-193, 18.2-195, or 18.2-197) or receiving stolen property (§§ 18.2-108 or 18.2-108.01(B)), may also apply to acts described in the proposal. Penalties under these *Code* sections range from a Class 1 misdemeanor to a Class 5 felony.

Analysis:

There is no data available on larceny crimes that specifically made use of a computer or computer network.

Impact of Proposed Legislation:

State adult correctional facilities. By creating two new felonies, the proposal may increase the state-responsible bed space needs of the Commonwealth. The number of additional felony convictions that may result from enactment of the proposal cannot be estimated; therefore, the magnitude of the impact, if any, cannot be quantified.

Local adult correctional facilities. While the proposal may have an impact on future local-responsible (jail) bed space needs, the magnitude of the impact cannot be determined.

Adult community corrections resources. Because the proposal could result in felony convictions and subsequent supervision requirements for an additional number of offenders, it may increase the need for adult community corrections resources. The potential impact on community corrections resources cannot be quantified.

Virginia's sentencing guidelines. Convictions under the proposed § 18.2-152.6:1 would not be covered by the sentencing guidelines as the primary (most serious) offense in a case; however such convictions could augment the guidelines recommendation whenever a covered offense is the most serious at sentencing. No adjustment to the guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), the proposal is not expected to have an impact on juvenile correctional centers.

Juvenile detention facilities. The Department of Juvenile Justice (DJJ) reports the proposal is not expected to have an impact on 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.

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