



## Impact Analysis on Proposed Legislation

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### Virginia Criminal Sentencing Commission

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#### House Bill No. 2565 (Patron – Shannon)

LD#: 07-9123502

Date: 1/9/2007

Topic: Using computer to purchase property without consent, etc.

#### 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)

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#### Summary of Proposed Legislation:

The proposal amends § 18.2-152.3 by expanding the applicability of an existing crime pertaining to computer fraud. The proposal would make it a Class 5 felony for a person to copy, without authority, any property of another valued at \$200 or more; this act would be a Class 1 misdemeanor if the value of the property copied was less than \$200.

Currently, under § 18.2-152.3, using a computer 1) to obtain property or services by false pretenses, 2) to embezzle or commit larceny, or 3) to convert the property of another are all Class 5 felonies if the value is \$200 or more and Class 1 misdemeanors if the value is less than \$200.

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#### Analysis:

According to Pre/Post-Sentence Investigation (PSI) data for calendar years (CY) 2004 and CY2005, two offenders were convicted of a felony under § 18.2-152.3 for use of a computer to obtain property, embezzle, or commit larceny valued at \$200 or more. Calendar year (CY) 2004 and CY2005 Local Inmate Data System (LIDS) reveal two additional offenders convicted of a felony under § 18.2-152.3. For these four offenders, one received probation without an active term of incarceration, two were given local responsible (jail) terms (3 and 11 months, respectively), and one offender received a state responsible (prison) sentence of one year.

According to CY2004 and CY2005 LIDS data, three offenders held pre- or post-trial in jail were convicted of misdemeanor offenses under § 18.2-152.3; one offender received two days in jail, and two offenders had additional charges that resulted in state responsible (prison) terms.

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#### Impact of Proposed Legislation:

**State adult correctional facilities.** By expanding the felony provisions of § 18.2-152.3, the proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. The number of

persons who may be apprehended and prosecuted as a result of the proposal cannot be estimated; therefore, the impact of the proposal on prison beds cannot be determined.

**Local adult correctional facilities.** The proposal may increase future local-responsible (jail) bed space needs, but the magnitude of the proposal cannot be quantified.

**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 programs cannot be quantified.

**Virginia's sentencing guidelines.** Convictions under § 18.2-152.3 are not covered by the sentencing guidelines as the primary (most serious) offense in a case; however, convictions under this statute may augment the guidelines recommendation when 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 center beds.

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

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**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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