



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1241

Engrossed

(Patron Prior to Engrossment – Moran)

LD#: 08-8382648

Date: 2/8/2008

Topic: Credit card theft

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 § 18.2-192(1)(a) to expand the definition of credit card theft. Currently, § 18.2-192(1)(a) states that it is unlawful for a person to take, obtain or withhold a credit card or credit card number from another without the cardholder's consent. Section 18.2-192(1)(a) also prohibits receiving a credit card or credit card number, knowing that it has been obtained unlawfully. The Virginia Court of Appeals has held that both of these crimes require the intent to use, sell or transfer the credit card or credit card number to someone other than the issuer or cardholder (*Lassiter v. Commonwealth*, 06 Vap UNP 2567051). The proposal adds the possession of a credit card or credit card number by an individual who has taken, obtained or withheld the credit card or credit card number from the person, possession, custody or control of another without the cardholder's consent. Credit card or credit card number theft is grand larceny and is punishable as provided in § 18.2-95. The General Assembly last amended § 18.2-192 in 1985.

Analysis:

According to fiscal year (FY) 2006 and FY2007 Pre/Post Sentence Investigation (PSI) data, there were 658 felony convictions under § 18.2-192(1)(a) for the theft of a credit card or credit card number. More than one-third of these offenders (35%) were sentenced to probation without an active term of incarceration. Slightly more than 20% of the offenders were sentenced to a local-responsible (jail) term, for which the median sentence was six months. The remaining 45% were sentenced to a state responsible (prison) term. For offenders sentenced to prison, the median sentence length was two years. The majority of these offenders (78%) were sentenced for other types of offenses in addition to violations of § 18.2-192(1)(a).

Impact of Proposed Legislation:

State adult correctional facilities. In broadening § 18.2-192(1)(a), the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. The number of additional felony convictions that may result from the proposal cannot be estimated. Therefore, the impact of the

proposal on prison bed space cannot be determined.

Local adult correctional facilities. The proposal may increase local-responsible (jail) bed space needs. However, the magnitude of the impact cannot be determined.

Adult community corrections resources. Because the proposal may result in additional felony offenders on community supervision, an impact on community corrections resources is expected. However, full cost of the impact on adult community corrections cannot be determined.

Virginia's sentencing guidelines. The guidelines cover convictions under § 18.2-192(1)(a); however, no adjustment to the guidelines would be necessary under the proposal.

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

Juvenile detention facilities. The Department of Juvenile Justice 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.

CCtheft02_8382