

Department of Planning and Budget

2007 Fiscal Impact Statement

1. Bill Number HB 159

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron Albo

3. Committee House Courts of Justice

4. Title Possession of stolen property

5. Summary/Purpose:

The proposed legislation would provide that, whenever proof of an offense requires proof that the defendant knew the property in his possession to be embezzled, stolen, etc., such proof can be established by showing that the defendant had received an official representation as to the status of the property. The proposed legislation defines "official representation" as a representation made by a law-enforcement officer or by another person at the direction of, or with the approval of, a law-enforcement officer.

6. Fiscal Impact: Preliminary. See Item 8.

7. Budget amendment necessary: No.

8. Fiscal implications:

There are several offenses in the Code dealing with possession of stolen property. Violation of many of these is punishable as a felony. Any felony conviction carries with it the possibility of a sentence in the state prison system. For Class 5 and Class 6 felonies, the judge also has the option to sentence the offender to as much as 12 months in jail. Therefore, the proposed legislation could result in additional offenders being confined in jails or state prisons.

There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail, \$8.00 a day for each state responsible inmate held for sixty days or less, and \$14.00 a day for each state responsible inmate held for more than sixty days. It also funds most of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2007), the estimated total state support for local jails averaged \$28.42 per inmate, per day in FY 2006.

Due to the lack of data, the Virginia Criminal Sentencing Commission has determined, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined.

9. Specific agency or political subdivisions affected:

Department of Corrections
Local and regional jails

10. Technical amendment necessary: No.

11. Other comments: None.

Date: {2/4/2008} rwh

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