



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 159

##### Enrolled

(Patron Prior to Enrollment – Albo)

LD#: Enrolled

Date: 3/5/2008

Topic: Necessary proof of stolen property

#### 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 § 18.2-108 to related to the crime of receiving stolen property. The proposal specifies that if a person buys or receives any goods or other thing, used in the course of a criminal investigation by law enforcement that the person believes to be stolen, then the person will be guilty of larceny.

#### Analysis:

According to fiscal year (FY) 2006 and FY2007 Pre/Post Sentence Investigation (PSI) data, there were 312 felony convictions under § 18.2-108 for receiving stolen goods valued at \$200 or more. While nearly a third (32.1%) of the offenders received probation without an active term of incarceration, 26.3% were sentenced to a local-responsible (jail) term. For offenders sentenced to jail, the median sentence length was four months. The remaining 41.6% were sentenced to a state-responsible (prison) term, with a median sentence of two years.

Based on data from the Local Inmate Data System (LIDS), which contains information on all persons held in local and regional jails in Virginia, there were 344 misdemeanor convictions during calendar year (CY) 2005 and CY2006 in which receiving stolen property valued at less than \$200 was the most serious offense in the case. More than three-quarters (76.2%) of these offenders were sentenced to a local-responsible (jail) term, with a median sentence length of approximately one month. Less than 10% were sentenced to a prison term; for offenders who were sentenced to prison, the median sentence length was 2.5 years.

#### Impact of Proposed Legislation:

**State adult correctional facilities.** The proposed modification to § 18.2-108 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, the proposal may have an impact on local and state community corrections resources. However, full cost of the impact on adult community corrections cannot be determined.

**Virginia's sentencing guidelines.** Convictions under § 18.2-108 are covered by the sentencing guidelines. 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.

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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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