



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 922

(Patron – Reynolds)

LD#: 09-7707316

Date: 11/17/2008

Topic: Larceny of bank notes, checks, etc.

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
None (\$0)
- **Local Adult Correctional Facilities:**
None (\$0)
- **Adult Community Corrections Programs:**
None (\$0)

- **Juvenile Correctional Centers:**
Cannot be determined
- **Juvenile Detention Facilities:**
Cannot be determined

Summary of Proposed Legislation:

The proposal clarifies § 18.2-98 to state that individuals who steal bank notes, checks, etc., may be charged for the larceny under § 18.2-95 or § 18.2-96, based upon the value of the item stolen. Currently, § 18.2-98 does not explicitly reference either of these statutes.

Analysis:

According to the fiscal year (FY) 2006 and FY2007 Pre/Post-Sentence Investigation (PSI) database, 53 offenders were convicted of a felony under § 18.2-98 during this time period. Larceny of bank notes, checks, etc., with a value of \$200 or more was the primary, or most serious, offense in 41 of these cases. More than one-third (36.6%) of these offenders received a local-responsible (jail) sentence, with a median sentence of 3 months. For the 34.1% of offenders who were given a state-responsible (prison) term, the median sentence was 19 months. Three offenders who were convicted of larceny of bank notes, etc., with a value of \$200 or more were also convicted of grand larceny under § 18.2-95.

According to the calendar year (CY) 2006 and CY2007 General District Court Automated Information System (CAIS) database, 38 offenders were convicted of a misdemeanor under § 18.2-98. Of these, 61% received a jail sentence with a median term of one month. The remaining 39% were given no term of incarceration to serve after sentencing.

Impact of Proposed Legislation:

State adult correctional facilities. As the proposal is seeking to simplify and clarify the charging process and is not expanding the nature of an existing crime or creating a new crime, it is not expected to increase future state-responsible (prison) bed space needs of the Commonwealth.

Local adult correctional facilities. For similar reasons the proposal is not expected to increase local-responsible (jail) bed space needs of the Commonwealth.

Adult community corrections resources. The proposal is not expected to increase the need for adult community corrections resources.

Virginia's sentencing guidelines. Felony convictions under § 18.2-98 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 impact of the proposal on juvenile correctional center bed space needs cannot be determined.

Juvenile detention facilities. According to the Department of Juvenile Justice, the impact of the proposal on the bed space needs of juvenile detention facilities cannot be determined.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation and is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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