

## Department of Planning and Budget 2013 Fiscal Impact Statement

**1. Bill Number: HB 1682**

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

**2. Patron: Stuart**

**3. Committee: Senate Courts of Justice**

**4. Title: Exploitation of mentally incapacitated persons**

**5. Summary:**

The proposed legislation would define as larceny the deprivation of a person of his money or other thing of value by using that person's inability to understand the consequences of certain monetary transactions. Under existing statutes, larceny of less than \$200 is a Class 1 misdemeanor. If the value of the goods or money is \$200 or more, the offense is grand larceny, and is punishable by up to 20 years in prison. In addition, there are enhanced penalties for subsequent larceny convictions. For the second misdemeanor conviction, the penalty is 30 days to 12 months in jail; for a third or subsequent conviction, the offense is a Class 6 felony.

**6. Budget Amendment Necessary:** None. The funding for this proposal was included in the Governor's introduced budget, Item 389. Also, both houses have included funding for the fiscal impact of this bill in their respective budget bills.

**7. Fiscal Impact Estimates:** Preliminary. See Item 8.

**Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2013		
2014	\$50,000	General
2015		
2016		
2017		
2018		

## **8. Fiscal Implications:**

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 5 years in prison. In addition, the proposal expands the definition of larceny of \$200 or more, which is punishable with a sentence of up to 20 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

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 presently pays the localities \$4.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail and \$12.00 a day for each state responsible inmate. It also funds a considerable portion 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 2012), the estimated total state support for local jails averaged \$26.54 per inmate, per day in FY 2011.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, 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. In such cases, Chapter 3 of the 2012 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

## **9. Specific Agency or Political Subdivisions Affected:**

Department of Corrections  
Compensation Board  
Local and regional jails

## **10. Technical Amendment Necessary:** None.

## **11. Other Comments:** Identical to SB 706.

**Date:** 2/10/2013

**Document:** G:\LEGIS\fis-13\hb1682h1.docx Dick Hall-Sizemore