

## Department of Planning and Budget 2016 Fiscal Impact Statement

**1. Bill Number:** HB602h1

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

**2. Patron:** Bell, Robert B.

**3. Committee:** Engrossed by House.

**4. Title:** Petit larceny; prior convictions; penalty.

**5. Summary:** The bill provides that, if alleged in the warrant, indictment, or information that a person had previously been convicted of larceny, robbery, or carjacking on two or more occasions, a larceny offense shall be punishable as a Class 6 felony. Currently, only prior offenses of larceny are considered for purposes of applying the enhanced penalty.

**6. Budget Amendment Necessary:** Yes; Item 70 (Compensation Board) and Item 394 (Department of Corrections)

**7. Fiscal Impact Estimates:** Preliminary.

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2016	-	-	-
2017	\$78,312	0	General Fund (GF)
2018	\$1,460	0	GF
2019	\$1,460	0	GF
2020	\$1,460	0	GF
2021	\$1,460	0	GF
2022	\$1,460	0	GF

**8. Fiscal Implications:** The bill will increase the number of offenders eligible for an enhanced penalty that is punishable as a Class 6 felony. The penalty for a Class 6 felony is a sentence of up to one year in jail, or 1 to 5 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail (local-responsible) or prison (state-responsible).

The Commonwealth presently pays the localities \$4.00 a day for each local responsible inmate in a jail, and \$12.00 a day for each state responsible prisoner held in a jail. 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 2015), the estimated total state support for local jails averaged \$32.24 per inmate, per day in FY 2014. Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission has projected

that the proposed legislation will result in the need for one local-responsible jail bed. The Commonwealth presently pays the localities \$4.00 a day for each local responsible inmate prisoner held in a jail, resulting in an annual fiscal impact of \$1,460. Impact on state funding in addition to per diem payments cannot be determined at this time.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission has projected that the proposal will result in an increase of two state-responsible prison beds at a cost of \$76,852. This cost is reflected in the fiscal impact estimates for FY17 only.

The FY17 impact includes costs for the state-responsible prison bed (\$76,852) and one local-responsible jail bed at the per diem rate of \$4.00 per day (\$1,460).

**9. Specific Agency or Political Subdivisions Affected:** Courts, local and regional jails, Department of Corrections, Compensation Board.

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

**11. Other Comments:** None.

**Date:** 2/16/2016- HB602h1.docx(NCS)