



## Impact Analysis on Proposed Legislation

---

### Virginia Criminal Sentencing Commission

#### House Bill No. 2321 (Patron – Gilbert)

LD#: 07-8663306

Date: 12/20/2006

Topic: Using computer to purchase property without consent, 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 amends § 18.2-152.3 by adding two new crimes pertaining to computer fraud: 1) using a computer to purchase or attempt to purchase property or services with a mode of payment known to be false or without the responsible payer's consent, and 2) using a computer to sell or attempt to sell property known to be stolen. Like other crimes listed under § 18.2-152.3, these crimes would be punishable as Class 5 felonies if the property or services obtained was valued at \$200 or more or as Class 1 misdemeanors if the value was less than \$200.

Currently, under § 18.2-152.3, using a computer 1) to obtain property or services by false pretenses, 2) to embezzle or commit larceny, or 3) to convert the property of another are all Class 5 felonies if the value is \$200 or more and Class 1 misdemeanors if the value is less than \$200.

---

#### Analysis:

According to Pre/Post-Sentence Investigation (PSI) data for calendar years (CY) 2004 and CY2005, two offenders were convicted of a felony under § 18.2-152.3 for use of a computer to obtain property, embezzle, or commit larceny valued at \$200 or more. Calendar year (CY) 2004 and CY2005 Local Inmate Data System (LIDS) reveal two additional offenders convicted of a felony under § 18.2-152.3. For these four offenders, one received probation without an active term of incarceration, two were given local responsible (jail) terms (3 and 11 months, respectively), and one offender received a state responsible (prison) sentence of one year.

According to CY2004 and CY2005 LIDS data, three offenders held pre- or post-trial in jail were convicted of misdemeanor offenses under § 18.2-152.3; one offender received two days in jail, and two offenders had additional charges that resulted in state responsible (prison) terms.

Other provisions of the *Code of Virginia*, such as credit card fraud (§§ 18.2-193, 18.2-195, or 18.2-197) or receiving stolen property (§§ 18.2-108 or 18.2-108.01(B)), could apply to the acts specified in the proposal. Penalties under these *Code* sections range from a Class 1 misdemeanor to a Class 5 felony.

---

**Impact of Proposed Legislation:**

**State adult correctional facilities.** Although it expands the felony provisions of § 18.2-152.3, the proposal is not expected to increase the state-responsible (prison) bed space needs of the Commonwealth. It is likely that all, or nearly all, of the offenders affected by the proposal could be charged under existing provisions of the *Code*.

**Local adult correctional facilities.** The proposal is not expected to have an impact on future local-responsible (jail) bed space needs.

**Adult community corrections resources.** The proposal is not expected to have an impact on the need for adult community corrections resources.

**Virginia's sentencing guidelines.** Convictions under § 18.2-152.3 are covered by the sentencing guidelines as the primary (most serious) offense at conviction but may augment the guidelines recommendation when a covered offense is the most serious at conviction. No adjustment to the guidelines would be necessary under the proposal.

**Juvenile correctional centers.** According to the Department of Juvenile Justice (DJJ), the impact of the proposal on juvenile correctional centers cannot be quantified.

**Juvenile detention facilities.** The Department of Juvenile Justice (DJJ) reports that the proposal's impact on juvenile detention facilities cannot be determined.

---

**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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

compfraud01\_8663