



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2365 (Patron – Scott, E.T.)

LD#: 07-8372498

Date: 12/11/2006

Topic: Larceny of a dog collar

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
Cannot be determined, likely to be small
- **Local Adult Correctional Facilities:**
Cannot be determined, likely to be small
- **Adult Community Corrections Programs:**
Cannot be determined, likely to be small

- **Juvenile Correctional Centers:**
None
- **Juvenile Detention Facilities:**
None

Summary of Proposed Legislation:

The proposal adds § 18.2-97.1 to make the larceny of an electronic, radio transmitting, or other collar from a dog a Class 1 misdemeanor. If the animal is lost or killed as a result of the collar theft, the crime becomes a Class 5 felony. The proposal also outlines provisions for restitution if the dog is lost or killed as a result of the collar theft.

Currently, § 18.2-96 defines larceny of less than \$200 (not from person) as a Class 1 misdemeanor, while a third or subsequent such larceny is elevated to a Class 6 felony (§ 18.2-104). Larceny in the amount of \$200 or more (not from person) is a felony punishable by confinement of 1 to 20 years (§ 18.2-95).

Analysis:

There is no specific information available in Virginia's criminal justice databases with regard to the larceny of dog collars. The following is sentencing information on convictions under the more general larceny statutes, which currently cover dog-collar thefts.

According to the Local Inmate Data System (LIDS), which contains information on all persons held in local and regional jails in Virginia, 5,460 persons were convicted during CY2004 and CY2005 of a misdemeanor larceny (not from person). Most of the offenders held pre- or post-trial in jail received an active term of incarceration for the offense. The median jail sentence was one month.

According to FY2005 and FY2006 Sentencing Guidelines data, 1,472 persons were convicted of a Class 6 felony under § 18.2-104 for a third or subsequent misdemeanor larceny. Of these, 35% received a state-responsible (prison) term; the median prison sentence was 1.5 years. Another 4,178 persons were convicted for felony larceny of \$200 or more (not from a person). Approximately 26% of these latter offenders were given a prison term, for which the median sentence was nearly two years.

Impact of Proposed Legislation:

State adult correctional facilities. Because it creates a new felony crime, the proposal could increase future state-responsible (prison) bed space needs. The felony, however, applies only if a dog is lost or killed after the theft of the dog's collar. While the number of offenders who may be affected is not known, the impact of the proposal is likely to be small.

Local adult correctional facilities. The proposal may have an impact on future local-responsible (jail) bed space needs, but only in limited cases. If the dog collar is valued at less than \$200, the penalty prescribed in the proposal (Class 1 misdemeanor) is the same as that provided by current *Code* (§ 18.2-96). If the dog collar is valued at \$200 or more, the existing felony penalty is higher than the penalty prescribed in the proposal. Any impact on jail beds will likely only arise if the dog is lost or killed as a result of the collar theft, in which case the felony conviction could result in a sentence to be served in a local or regional jail. However, the impact of the proposal on jail beds is likely to be small.

Adult community corrections resources. Because the proposal could result in felony convictions and subsequent supervision requirements for an additional number of offenders, it may increase the need for adult community corrections resources. The potential impact on community corrections resources cannot be quantified, but is likely to be small.

Virginia's sentencing guidelines. As a new crime, felony convictions under § 18.2-97.1 would not be covered by the sentencing guidelines as the primary (or most serious) offense. However, convictions under these provisions may augment the guidelines recommendation if a covered offense is the most serious at conviction. No adjustment to the guidelines is necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), the proposal is not expected to increase juvenile correctional center (JCC) bed space needs. However, if a juvenile were committed to DJJ for the proposed Class 5 felony offense, the minimum confinement under the Department's Length of Stay (LOS) guidelines would be 6 to 12 months.

Juvenile detention facilities. The Department of Juvenile Justice (DJJ) reports that the proposal is not expected to increase the bed space needs of juvenile detention facilities.

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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