



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 159

(Patron – Albo)

LD#: 08-6904404

Date: 12/17/2007

Topic: Knowledge of stolen property

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
Cannot be determined
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Correctional Centers:**
None (\$0)
- **Juvenile Detention Facilities:**
None (\$0)

Summary of Proposed Legislation:

The proposal adds § 18.2-109.1 to the *Code of Virginia*. Under the proposal, whenever proof of an offense requires proof that the offender knew the property in his possession to be embezzled, stolen, converted, unlawfully taken, altered, counterfeited, falsely made, forged or disguised, such proof can be established by showing that the offender had received an official representation as to the status of the property. The proposal defines “official representation” as a representation made by a law-enforcement officer or by another person at the direction or with the approval of a law-enforcement officer.

Analysis:

Existing databases do not provide sufficient detail to allow for an analysis relating to proof of knowledge that property was stolen.

Impact of Proposed Legislation:

State adult correctional facilities. The addition of § 18.2-109.1 may increase the future state-responsible (prison) bed space needs of the Commonwealth. The number of additional felony convictions that may result from the proposal cannot be estimated; therefore, the impact of the proposal on prison bed space cannot be determined.

Local adult correctional facilities. The proposal may increase local-responsible (jail) bed space needs; however, the magnitude of the impact cannot be determined.

Adult community corrections resources. Because the proposal may result in additional felony offenders on community supervision, the proposal may have an impact on local and state community corrections resources. However, full cost of the impact on adult community corrections cannot be determined.

Virginia's sentencing guidelines. The guidelines cover numerous felony larceny offenses, including the receipt of stolen property (§ 18.2-108). No adjustment to the guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice, the proposal is not expected to increase juvenile correctional center bed space needs.

Juvenile detention facilities. The Department of Juvenile Justice 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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