



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 160 (Patron – Albo)

LD#: 08-6911404

Date: 12/17/2007

Topic: Using an emergency exit during larceny

#### 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:**  
Cannot be determined
- **Juvenile Detention Facilities:**  
Cannot be determined

#### Summary of Proposed Legislation:

The proposal adds § 18.2-104.2 to the *Code of Virginia*. The proposal would make it a Class 6 felony to use an emergency exit to exit the premises of a store or any place where goods are offered for sale during the commission of any offense deemed to be or punished as larceny (misdemeanor or felony). Under the proposal, an emergency exit is defined as an exit door that is erected and maintained to comply with the requirements of 29 C.F.R. § 1910 Subpart E or any other exit designated for use as an emergency exit.

#### Analysis:

Existing databases do not provide sufficient detail to allow for analysis relating to the use of an emergency exit during the commission of a larceny.

#### Impact of Proposed Legislation:

**State adult correctional facilities.** Adding § 18.2-104.2 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.** Since the proposal applies to cases involving felony or misdemeanor larceny, it may result in felony convictions for offenders who would currently be convicted of only misdemeanors. This may decrease the demand for local community-based probation services and increase the need for state community corrections resources. The *Code of Virginia*, however, allows judges to utilize local community-based probation programs for Class 5 and Class 6

felons as well as misdemeanants. Data are not available to estimate the impact on local or state community corrections resources that may result from the proposal.

**Virginia's sentencing guidelines.** The guidelines do not cover violations of § 18.2-104.2 as the primary (or most serious) offense. A conviction under this provision, however, could augment the guidelines recommendation if the most serious offense at sentencing is a covered offense. 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 center (JCC) bed space needs cannot be determined.

**Juvenile detention facilities.** According to the Department of Juvenile Justice (DJJ), the impact of the proposal on the bed space needs of juvenile detention facilities cannot be determined.

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**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.**

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