



## Fiscal Impact Statement for Proposed Legislation

### *Virginia Criminal Sentencing Commission*

#### House Bill No. 334

(Patron – McClellan)

LD#: 08-6943624

Date: 12/14/2007

Topic: Larceny of cats

#### 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 amends §18.2-97 to make it a Class 5 felony to commit larceny of a cat. Under the current statute, it is a Class 5 felony for any person to commit larceny of a dog, horse, pony, mule, steer, bull or calf; it is a Class 6 felony to commit larceny of a sheep, lamb, swine or goat valued at less than \$200 or poultry valued at \$5 or more but less than \$200.

#### Analysis:

According to fiscal year (FY) 2006 and FY2007 Pre-Sentence Investigation (PSI) data, there were five felony convictions under § 18.2-97 for larceny of an animal covered by the statute. Three of the five offenders were sentenced to a local-responsible (jail) term with a median sentence of two months, while another offender received probation without an active term of incarceration. The remaining offender received a prison sentence of 17 months.

#### Impact of Proposed Legislation:

**State adult correctional facilities.** By expanding an existing felony, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. Larceny of a cat is currently covered by the general grand and petit larceny statutes (§ 18.2-95 and § 18.2-96). Under these statutes, larceny of items valued at \$200 or more is a felony punishable by 1 to 20 years imprisonment, while larceny of items valued at less than \$200 is a Class 1 misdemeanor with maximum punishment of 12 months in jail. The proposal would make the theft of any cat a Class 5 felony (penalty range of 1 to 10 years). The number of additional felony convictions that would result from the proposal cannot be determined; therefore, the impact of the proposal cannot be estimated.

**Local adult correctional facilities.** The proposal may also increase local-responsible (jail) bed space needs, but the magnitude of the impact cannot be estimated.

**Adult community corrections programs.** Because the proposal could result in felony convictions and subsequent supervision requirements for an additional number of offenders, the proposal may 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 convictions under § 18.2-97 as the primary (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 sentencing guidelines would be necessary under the proposal.

**Juvenile correctional centers.** Because the proposal increases the penalty for certain acts from a misdemeanor to a felony, the proposal could result in additional commitments to DJJ. Existing *Code* specifies that a juvenile is eligible for commitment if he is adjudicated for a felony, has a prior felony adjudication or has accumulated a total of four Class 1 misdemeanor adjudications. According to the Department of Juvenile Justice (DJJ), the proposal may have an impact on bed space needs in juvenile correctional centers, but the size of the impact cannot be quantified.

**Juvenile detention facilities.** The Department of Juvenile Justice reports that 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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