

Department of Planning and Budget 2011 Fiscal Impact Statement

1. Bill Number: HB 1607

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
 Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Loupassi

3. Committee: House Courts of Justice

4. Title: Crimes against seniors

5. Summary:

The proposal specifies new, higher penalties (as shown below) for many larceny and fraud offenses when the crime is committed against a person who is 60 years of age or older and the offender knew or reasonably should have known the victim was at least 60 years of age. Furthermore, under the proposal, any person who commits a second or subsequent offense in violation of the proposed statute would be sentenced to a term of imprisonment of two years in addition to the punishment authorized for the underlying offense. The crimes affected by the proposal are listed below:

| Offense | Current Penalty | Proposed Penalty for when victim is at least 60 years old |
|--|--|---|
| Grand larceny (§ 18.2-95) | Unclassed felony (Imprisonment 1 to 20 years) | Unclassed felony (Imprisonment 2 to 20 years) |
| Obtaining less than \$200 by false pretenses (§ 18.2-178) | Class 1 misdemeanor (Incarceration in jail for up to 12 months) | Class 3 felony (Imprisonment 5 to 20 years) |
| Obtaining \$200 or more by false pretenses (§ 18.2-178) | Unclassed felony (Imprisonment 1 to 20 years) | Class 3 felony (Imprisonment 5 to 20 years) |
| Obtaining signature by false pretenses (§ 18.2-178) | Class 4 felony (Imprisonment 2 to 20 years) | Class 3 felony (Imprisonment 5 to 20 years) |
| Forging and uttering (§ 18.2-172) | Class 5 felony (Imprisonment 1 to 10 years) | Class 4 felony (Imprisonment 2 to 10 years) |
| Identify theft—financial loss more than \$200 (§ 18.2-186.3) | Class 6 felony (Imprisonment 1 to 5 years) | Class 5 felony (Imprisonment 1 to 10 years) |

6. Budget Amendment Necessary: Yes. Item 380.

7. Fiscal Impact Estimates: Preliminary. See Item 8.

7a. Expenditure Impact:

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Fund</i> |
|--------------------|----------------|-------------|
| 2012 | \$540,689 | General |
| 2013 | \$4,380 | General |
| 2014 | \$4,380 | General |
| 2015 | \$4,380 | General |
| 2016 | \$4,380 | General |
| 2017 | \$4,380 | General |

8. Fiscal Implications:

Because it increases the penalties for some common criminal offenses in certain cases, the proposed legislation could result in a need for additional bed space in the state's prisons.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$536,309 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in 20 additional inmates being incarcerated in prison.

The Virginia Criminal Sentencing Commission has determined that the proposed legislation also would result in an increase in the number of local-responsible (jail) inmates—three additional inmates in each fiscal year through FY 2017. The Compensation Board reimburses localities \$4.00 per day for each local-responsible inmate held in jails. It also provides funding for additional deputies needed in jails due to overcrowding. The amounts shown in Item 7 are the additional costs projected for the Compensation Board as a result of this proposed legislation.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections
Compensation Board
Local and regional jails

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 1/11/2011

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