



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 54 (Patrons – Lingamfelter, Peace and Poindexter)

LD#: 16100019

Date: 11/23/2015

Topic: False representation of military status

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
None (\$0)
- **Local Adult Correctional Facilities:**
None (\$0)
- **Adult Community Corrections Programs:**
None (\$0)

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

* Provided by the Department of Juvenile Justice

Summary of Proposed Legislation:

The proposal adds § 18.2-177.1 to the *Code of Virginia*, relating to false representation of military status. Under the proposal, any person who, with the intent to obtain money, property, or other tangible benefit, falsely represents himself to be a member, veteran, or medal recipient of the Armed Forces, Reserves, or National Guard and obtains money, property, or other tangible benefit therefrom would be guilty of larceny.

Grand larceny (larceny involving \$200 or more) is punishable by imprisonment of 1 to 20 years. Petit larceny (larceny, not from the person of another, involving less than \$200) is a Class 1 misdemeanor punishable by confinement of up to 12 months in jail. Under § 18.2-104, the penalty for petit larceny is subject to enhancement if the offender has prior larceny convictions; for offenders with one prior larceny conviction, the penalty for petit larceny is a jail term of 30 days to 12 months, and offenders charged with petit larceny who have two or more prior larceny convictions may be convicted of a Class 6 felony.

Currently, § 18.2-178 makes it unlawful for any person to obtain money or other property by false pretense and deems such acts as larceny.

Analysis:

According to the fiscal year (FY) 2014 and FY2015 Sentencing Guidelines database, 1,489 offenders were convicted of a felony under § 18.2-178 for obtaining money or other property through false pretense. This offense was the primary, or most serious, offense in 1,099 cases. Of these, nearly one-third (31.3%) received a local-responsible (jail) sentence, with a median sentence length of seven months. For the 34.1% of offenders who were given a state-responsible (prison) term, the median sentence length was 1.5 years. The remaining 34.6% did not receive an active term of incarceration to serve after sentencing.

Impact of Proposed Legislation:

State adult correctional facilities. Individuals who violate the proposed provisions relating to obtaining money, property or benefit through false representation of military status, could likely be prosecuted under the existing provisions of § 18.2-178, which makes it unlawful to obtain money or other property by any type of false pretense. If so, the proposal would not be expected increase the state-responsible (prison) bed space needs of the Commonwealth.

Local adult correctional facilities. Similarly, the proposal is unlikely to increase the local-responsible (jail) bed space needs of the Commonwealth.

Adult community corrections programs. The proposal is not expected to impact adult community corrections resources.

Virginia's sentencing guidelines. Because the proposal defines a new provision pertaining specifically to false representation of one's military status, the sentencing guidelines would not cover violations of § 18.2-177.1 as the primary, or most serious, offense. Such a conviction, however, could augment the guidelines recommendation if the most serious offense at sentencing is covered by the guidelines. 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 impact juvenile correctional center (JCC) bed space needs.

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

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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