

Department of Planning and Budget 2016 Fiscal Impact Statement

1. Bill Number: SB 310

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: McEachin

3. Committee: Senate Courts of Justice

4. Title: Larceny threshold amounts

5. Summary:

Current larceny and fraud statutes base the sentence or classification of the offense on the value of the property or money stolen. If the value is less than \$200 (petit larceny), the offense is a Class 1 misdemeanor, for which an offender is subject to a sentence of up to 12 months in jail. The sentence for offenses in which the value is \$200 or more vary with the statute. For grand larceny, the sentence can be up to 12 months in jail or 1 to 20 years in prison. Theft of something with a value of \$200 or more in other larceny and fraud statutes is designated as a Class 6 felony (up to 12 months jail or 1 to 5 years in prison); Class 5 felony (up to 12 months in jail or 1 to 10 years in prison); or Class 4 felony (2 to 10 years in prison). Finally, a third or subsequent conviction of petit larceny is a Class 6 felony.

The proposed legislation would raise the lower larceny threshold to \$1,500. The result would be that, in most circumstances, theft of anything valued at less than \$1,500 would be a Class 1 misdemeanor.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Indeterminate. See Item 8 below.

8. Fiscal Implications:

By reducing offenses that are now felonies to a misdemeanor, the proposed legislation would result in a reduction of costs for the Commonwealth and a concomitant reduction of revenue for local and regional jails. However, there is not sufficient information available to project the size of this fiscal impact.

A state-responsible inmate is one that has been convicted of a felony and sentenced to a year or more in prison. Any offender convicted of a misdemeanor, or a felony with a sentence of 12 months or less, is a local-responsible offender and will serve his entire sentence in a jail, rather than prison. The state reimburses local and regional jails \$12 per day for housing state-responsible offenders; for local-responsible offenders, the reimbursement is \$4 per day.

There are approximately 5,000 state-responsible inmates being held in jails that are eligible to be transferred to DOC, for which the state is reimbursing the jails \$12 per day. Under the provisions of the proposed legislation, some persons convicted of larceny who would have been committed to DOC with a felony sentence would be misdemeanants and serve their sentences in jails. This could free up beds in DOC correctional facilities and, consequently, DOC may be able to transfer more state-responsible offenders from jails.

The legislation would also have an impact on probation populations. Under current law, if a person is convicted of larceny of anything with a value of \$200 or more and the court suspends part or all of the sentence and places the offender on probation, it will be the state probation and parole district office operated by DOC that will have the responsibility of supervising him. Under the proposed legislation, those offenders convicted of larceny of anything with a value between \$200 and \$1,500 would be placed in local community probation programs instead of state programs. As with other impacts of this legislation, there is not enough information available to project the extent to which the caseloads of local community probation offices would be increased.

Finally, the legislation would have an effect on court dockets. The legislation could have the effect of shifting an undeterminable number of cases from circuit court dockets to general district court dockets.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections
Compensation Board
Local and regional jails
Circuit and district courts
Local community probation programs

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/9/2016

Document: G:\LEGIS\fis-16\sb310.docx Dick Hall-Sizemore