



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1493

(Patron – Hope)

LD#: 17100690 Revised

Date: 12/12/2016

Topic: Credit card offenses

Fiscal Impact Summary:

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

- **Juvenile Direct Care:**
None (\$0)*
- **Juvenile Detention Facilities:**
None (\$0)*

* Provided by the Department of Juvenile Justice

Summary of Proposed Legislation:

The proposal amends § 18.2-191 of the *Code of Virginia*, relating to credit card offenses. Currently, a sales draft is defined as a paper form evidencing a purchase of goods, services, or anything else of value from a merchant through the use of a credit card. Under the proposal, the definition of sales draft would be expanded to include electronic forms. The definitions in § 18.2-191 apply to all of Article 6 of Chapter 6 of Title 18.2, pertaining to credit card offenses. However, other than § 18.2-191, the term “sales draft” appears in only one other statute in Article 6 (§ 18.2-193). Section § 18.2-193 defines the acts that constitute credit card forgery, including the forging of a sales draft. Credit card forgery is a Class 5 felony and is punishable by up to ten years imprisonment. Forgery of any writing to the prejudice of another’s right is punishable as a Class 5 felony under § 18.2-172.

Analysis:

According to fiscal year (FY) 2015 and FY2016 Sentencing Guidelines data, 207 offenders were convicted of a Class 5 felony under § 18.2-193 for credit card forgery. This offense was the primary, or most serious, offense in 74 cases. Of these, 37.8% did not receive an active term of incarceration after sentencing. Another 36.5% were given a local-responsible (jail) term, with a median sentence of seven months. The remaining 25.7% received a state-responsible (prison) term, for which the median sentence was 1.5 years. Available data do not contain sufficient detail to identify which credit card forgery convictions involved the forging of a sales draft versus some other act defined in § 18.2-193.

Impact of Proposed Legislation:

State adult correctional facilities. By expanding the definition of sales draft to include electronic forms, the proposal would likely increase the number of individuals eligible for prosecution under § 18.2-193 for a Class 5 felony. However, individuals who forge electronic sales drafts may currently be convicted of a Class 5 felony under § 18.2-172. As a result, the proposal is not expected to increase the state-responsible (prison) bed space needs of the Commonwealth.

Local adult correctional facilities. Similarly, the proposal is not expected to impact local-responsible (jail) bed space needs.

Adult community corrections programs. The proposal will not affect adult community corrections programs.

Virginia's sentencing guidelines. Felony convictions under § 18.2-193 are covered by the sentencing guidelines. No adjustment to the guidelines would be necessary under the proposal.

Juvenile direct care. According to the Department of Juvenile Justice (DJJ), the proposal will not increase direct care (juvenile correctional center or an alternative commitment placement) 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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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