

## **Department of Planning and Budget 2017 Fiscal Impact Statement**

**1. Bill Number: HB 1704**

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: Filler-Corn**

**3. Committee: House 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 from \$200 to \$500. In most circumstances, theft of anything valued at less than \$500 would be a Class 1 misdemeanor. A third or subsequent conviction of petit larceny would remain a Class 6 felony under the provisions of the legislation.

**6. Budget Amendment Necessary: No.**

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

**8. Fiscal Implications:**

A state-responsible inmate is one who 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 local or regional 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. Although state-responsible offenders may be transferred to state facilities operated by the Department of Corrections, many of those with sentences between 12 months and 24 months serve their entire sentences in local and regional jails due to the lack of sufficient prison bed space. The jail receives a \$12 per diem payment from the state for each state responsible inmate, regardless of how long he is housed in the jail.

By reducing larceny offenses that are now felonies to misdemeanors, the proposed legislation would reduce per diem costs for the state. It would affect local and regional jails in another way, as well. The shorter sentences would result in a reduction in jail populations, thereby decreasing expenses.

The legislation also could 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 \$499 would be placed in local community probation programs instead of state programs.

There is not sufficient information available to project the potential changes to the inmate population as a result of this legislation. There is data on the total number of persons convicted of the various felonies; however, information specific to the value of the property stolen is readily available for only a relatively small fraction of the cases. Therefore, it is not possible to determine how many of those convictions were for property valued at more than \$200 and less than \$500, which would become a misdemeanor under the proposed legislation.

Finally, the legislation would impact court dockets by 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:** Identical to SB 923.

**Date:** 1/18/2017