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## HOUSE BILL NO. 280

Offered January 10, 2018

Prefiled January 3, 2018

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-95.1, relating to grand larceny; first offenders; sentence reduction.*

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Patrons—Collins and Lopez

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Referred to Committee on Rules**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 18.2-95.1 as follows:****§ 18.2-95.1. Grand larceny; persons charged with first offense.**

A. When a person is charged with (i) larceny in violation of clause (ii) of § 18.2-95 or conspiracy to commit larceny in violation of § 18.2-23 where the value of the property involved is less than \$1,000 or (ii) any offense deemed to be or punished as larceny under any provision of the Code where the value of the property involved is at least \$200 and less than \$1,000, the court may defer the proceedings against such person and place him on probation under the terms and conditions of this section. Such terms and conditions shall include restitution in accordance with the provisions of § 19.2-305.1.

B. For a person to be eligible for such deferral, the court shall find that (i) the person has not previously been convicted of any offense of larceny or any offense deemed to be or punished as larceny under any provision of the Code or under any statute of the United States or of any state or any ordinance of any local government, (ii) the person has not previously had a proceeding against him for violation of an offense set forth in subsection A reduced as provided in this section, and (iii) the person pleads guilty to, or enters a plea of not guilty or nolo contendere and the court finds the evidence is sufficient to find the person guilty of, an offense set forth in subsection A.

C. The court shall (i) where a local community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1 is available, order that the eligible person be placed with such agency and require, as a condition of local community-based probation, the person to successfully complete all treatment, education programs or services, or any combination thereof indicated by an assessment or evaluation obtained by the local community-based probation services agency if such assessment, treatment, or education services are available; or (ii) require successful completion of treatment, education programs or services, or any combination thereof, such as, in the opinion of the court, may be best suited to the needs of the person.

D. The court shall require the person entering such education or treatment program or services under the provisions of this section to pay all or part of the costs of the program or services, including the costs of any assessment, evaluation, testing, education, and treatment, on the basis of the person's ability to pay unless the person is determined by the court to be indigent. Such programs or services shall offer a sliding-scale fee structure or other mechanism to assist participants who are unable to pay the full costs of the required programs or services.

E. Unless the accused was fingerprinted at the time of arrest, the court shall order the accused to report to the original arresting law-enforcement agency to submit to fingerprinting.

F. Upon violation of a term or condition, the court may enter an adjudication of guilt upon the felony and proceed as otherwise provided. Upon fulfillment of the terms and conditions of probation, the court shall find the defendant guilty of a Class 1 misdemeanor.

INTRODUCED

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