

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: HB107

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: McGuire

3. Committee: Courts of Justice

4. Title: Larceny and certain property crimes; penalties.

5. Summary: Under current law, petit larceny is defined as taking goods and chattels valued at less than \$1,000 and is punishable as a Class 1 misdemeanor. This bill reduces the threshold for felony larceny and certain property crimes from \$1,000 to \$500. The bill imposes a mandatory minimum sentence of 10 days in jail for petit larceny of a package delivered to a residence. Under current law, willfully damaging or tampering with a vehicle, aircraft, boat or vessel is punishable as a Class 1 misdemeanor, regardless of the amount of damage caused. This bill creates a Class 6 felony charge for willfully damaging or tampering with a vehicle, aircraft, boat or vessel if the damage is valued at \$500 or more. The bill also creates a Class 6 felony charge for larceny of a catalytic converter from a motor vehicle, regardless of the catalytic converter's value.

6. Budget Amendment Necessary: Yes, Item 404.

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

8. Fiscal Implications: Because the bill increases existing larceny offenses from misdemeanor charges to felony charges, the Virginia Criminal Sentencing Commission's data indicates that the bill is expected to have an impact on the future state-responsible prison bed space needs of the Commonwealth. Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission (VCSC) estimates a fiscal impact of at least \$3,829,684. The amount is based on the projection that the legislation will result in 105 additional offenders being incarcerated in prison by FY 2028.

According to VCSC analysis, future need for local-responsible (jail) beds is also expected to increase as a result of decreasing the larceny threshold. The impact on local-responsible (jail) beds is estimated to be 56 beds by FY 2028. Estimated state costs associated with these beds is at least \$771,642; estimated local costs associated with these beds is at least \$1,214,130. The VCSC calculates these costs based on The Compensation Board's FY2020 Jail Cost Report. The state cost was calculated from the revenue portion and the resulting sum was \$37.58 per day or \$13,726 per year. The local cost was calculated by using the daily expenditure cost of \$100.95 per inmate (not including capital accounts or debt service) as the base, and subtracting revenues accrued from the state and federal governments, which

resulted in \$59.13 per day or \$21,597 per year. Where the estimated bed space impact included a portion (or fraction) of a bed, a prorated cost was included in the estimate.

Data are not available to evaluate the impact of the new petit larceny charge associated with delivered packages, which carries a 10-day mandatory minimum jail sentence, the new Class 6 felony penalty for theft of catalytic converters, or the new Class 6 felony penalty for damage of \$500 or more to vehicles, boats, etc. For someone convicted of a Class 6 felony, a judge has the option of sentencing the offender to a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

Any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$4.00 a day for each misdemeanor or otherwise local-responsible prisoner held in a jail and \$12.00 a day for each state-responsible prisoner. It also funds a portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2021), the estimated total state support for local jails averaged \$37.58 per inmate, per day in FY 2020.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, local and regional jails, Public Defenders offices, Commonwealth's Attorneys, courts

10. Technical Amendment Necessary: No

11. Other Comments: None