

## Department of Planning and Budget 2003 Fiscal Impact Statement

**1. Bill Number:** SB1138

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

**2. Patron:** Stolle

**3. Committee:** Passed both houses

**4. Title:** Larceny

**5. Summary/Purpose:**

The proposed bill would make the following changes relating to larceny:

- Conspiring with another to commit larceny where the value of the goods or merchandise is more than \$200 would be a separate and distinct felony, punishable by imprisonment of 1 to 20 years. Willful concealment of the goods or merchandise while still on the premises of the store would be prima facie evidence of an intent to commit the offense.
- Selling or possessing a bag or device designed to shield shoplifted merchandise from an anti-theft alarm sensor would be increased from a Class 3 misdemeanor (fine only) to a Class 1 misdemeanor (up to 12 months in jail).
- Stealing property worth more than \$200 with the intent to sell it would be a felony offense punishable by a sentence of 2 to 20 years. Anyone who sold stolen property worth more than \$200, if he knew or should have known that it was stolen, would be guilty of a Class 5 felony.

**6. Fiscal Impact:** Final. See Item No. 8.

**7. Budget amendment necessary:** None.

**8. Fiscal implications:**

Due to the lack of data, the Virginia Criminal Sentencing Commission has determined, pursuant to § 30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. However, because many offenders now convicted of conspiracy to commit grand larceny are also convicted of an accompanying felony with a statutory sentence of up to 20 years and the fencing activities covered by the proposed bill could be prosecuted under other existing statutes with comparable penalties, it is expected that the impact of the legislation will be negligible.

**9. Specific agency or political subdivisions affected:** Department of Corrections

**10. Technical amendment necessary:**

Line 38 — “that” should be “than”

Line 43 — This line states “a violation of this subsection constitutes a separate and distinct offense.” However, because the line is set out as a separate paragraph, it is not clear which “subsection” it is referring to. Either the designation as paragraph C. needs to be removed and the sentence attached to paragraph B., or the word “subsection” needs to be changed to “section.”

**11. Other comments:** None.

**Date:** 03/13/03/rwh

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**cc:** Secretary of Public Safety