

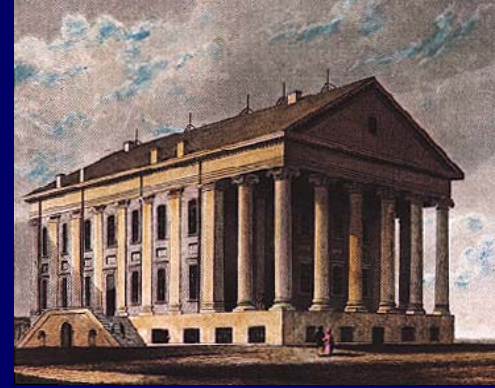


# Virginia State Crime Commission

**Grand Larceny Threshold**

October 14, 2008

# Overview



- **Senate Bill 351**
- **VA Grand Larceny Threshold**
- **50 State Review**
- **Special Provisions**
- **New Thresholds**
- **Inflation Analysis**
- **Possible Legislation**

# Senate Bill 351



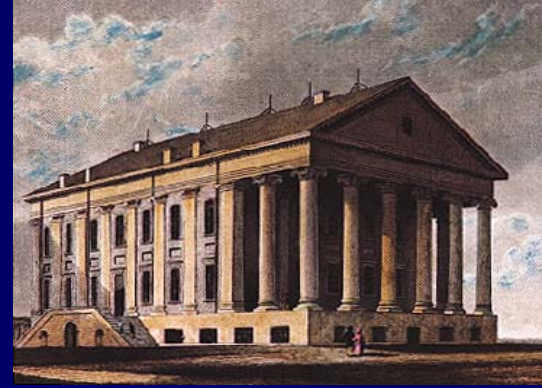
- **SB 351 (Reynolds) Grand larceny; threshold amount.**
- Sought to increase, from \$200 to \$500, the threshold amount of money or the value of the goods or chattel that the defendant must take before the crime rises from petit larceny to grand larceny.
- Referred to the Crime Commission from Senate Courts of Justice

# VA Grand Larceny Threshold



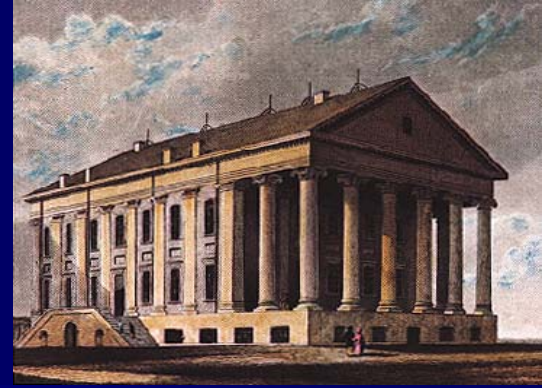
- § 18.2-95. Grand larceny defined; how punished.
- Any person who (i) commits larceny from the person of another of money or other thing of value of \$5 or more, (ii) commits simple larceny not from the person of another of goods and chattels of the value of \$200 or more, or (iii) commits simple larceny not from the person of another of any firearm, regardless of the firearm's value, shall be guilty of grand larceny, punishable by imprisonment in a state correctional facility for not less than one nor more than twenty years or, in the discretion of the jury or court trying the case without a jury, be confined in jail for a period not exceeding twelve months or fined not more than \$2,500, either or both.

# VA Grand Larceny Threshold



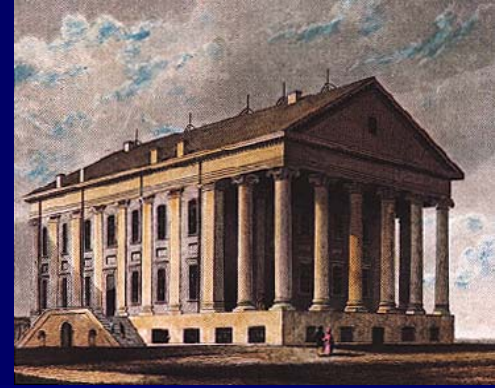
- § 18.2-23(B). Conspiring to commit larceny.
- If any person shall conspire, confederate or combine with another or others in the Commonwealth to commit larceny or counsel, assist, aid or abet another in the performance of a larceny, where the aggregate value of the goods or merchandise involved is more than \$200, he is guilty of a felony punishable by confinement in a state correctional facility for not less than one year nor more than 20 years.

# VA Grand Larceny Threshold



- § 18.2-104. Punishment for conviction of misdemeanor larceny.
- When a person is convicted of an offense of larceny or any offense deemed to be or punished as larceny under any provision of the Code, and it is alleged in the warrant, indictment or information on which he is convicted, and admitted, or found by the jury or judge before whom he is tried, that he has been before convicted in the Commonwealth of Virginia or in another jurisdiction for any offense of larceny or any offense deemed or punishable as larceny, or of any substantially similar offense in any other jurisdiction, regardless of whether the prior convictions were misdemeanors, felonies or a combination thereof, he shall be confined in jail **not less than thirty days** nor more than twelve months; and for a third, or any subsequent offense, he shall be guilty of a **Class 6 felony**.

# VA Grand Larceny Threshold



- § 19.2-223. Charging several acts of embezzlement; description of money.
- In a prosecution against a person accused of embezzling or fraudulently converting to his own use bullion, money, bank notes or other security for money or items of personal property subject to larceny it shall be lawful in the same indictment or accusation to charge and thereon to proceed against the accused for any number of distinct acts of such **embezzlements** or fraudulent conversions which may have been committed by him within **six months from the first to the last of the acts charged in the indictment.**

# VA Grand Larceny Threshold



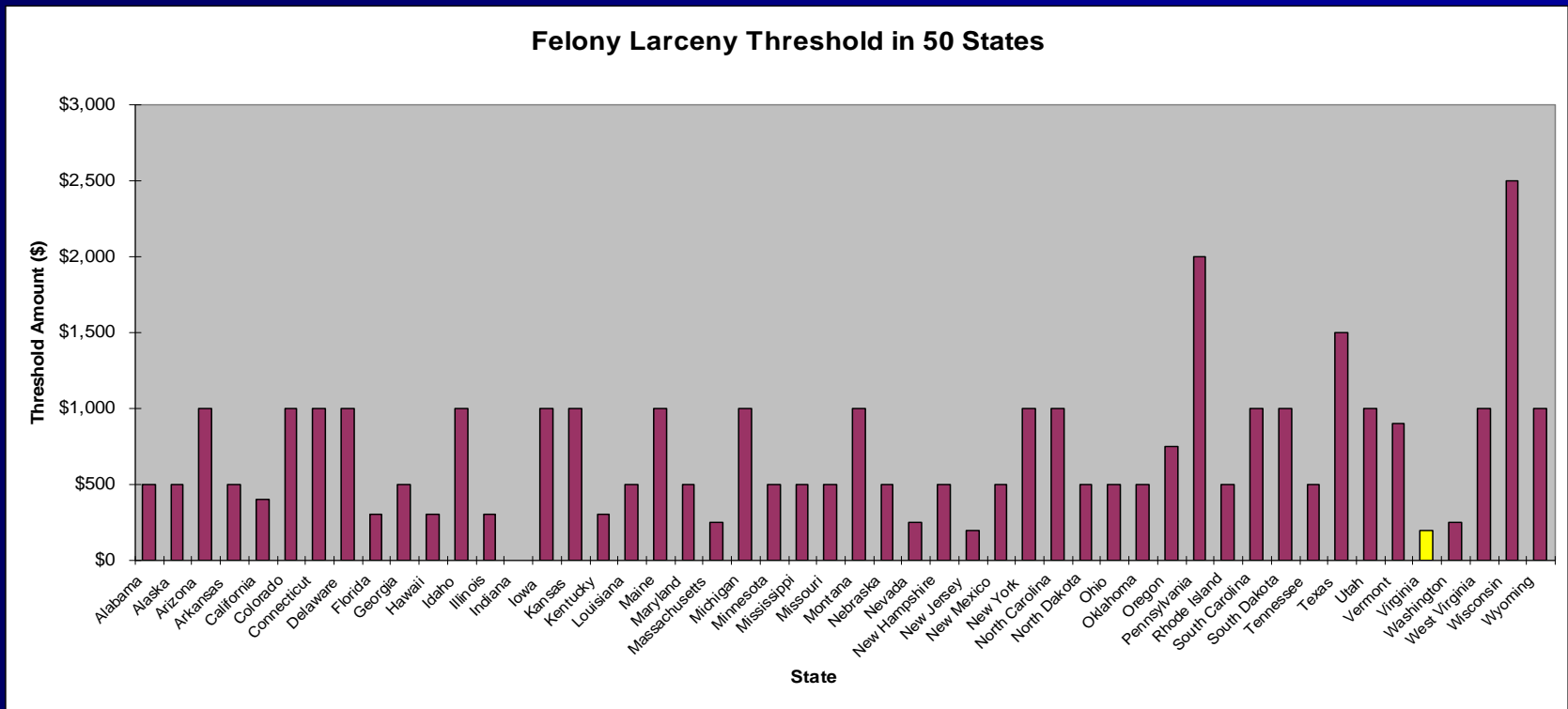
- From 1966 to 1980, the grand larceny threshold amount in VA was \$100.
- Since 1980, the grand larceny threshold amount in VA has been \$200.

# 50 State Review



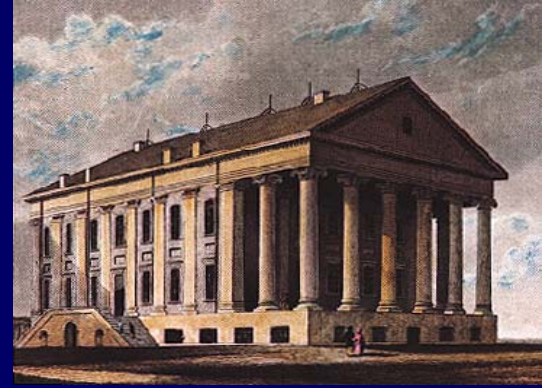
- Staff reviewed the felony threshold amounts of all 50 states.
- In conducting the 50 state review, the most generic larceny statute of each state was used.

# 50 State Review

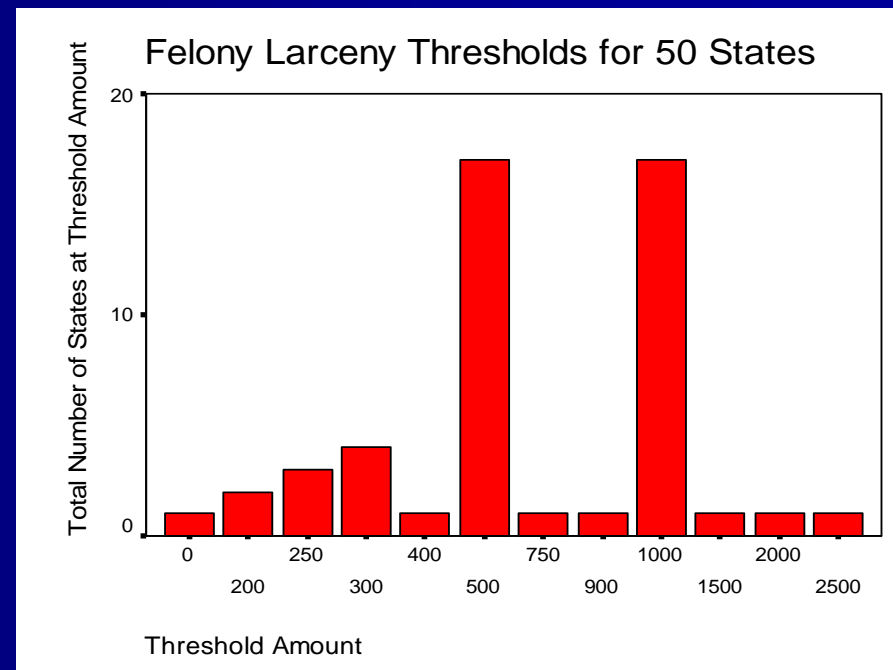


\* In Indiana, the threshold is determined by the intent to deprive the other person of the property's value

# 50 State Review



- 2% (1 of 50) have a threshold of \$0
- 2% (1 of 50) have a threshold of \$400
- 2% (1 of 50) have a threshold of \$750
- 2% (1 of 50) have a threshold of \$900
- 2% (1 of 50) have a threshold of \$1,500
- 2% (1 of 50) have a threshold of \$2,000
- 2% (1 of 50) have a threshold of \$2,500
- 4% (2 of 50) have a threshold of \$200
- 6% (3 of 50) have a threshold of \$250
- 8% (4 of 50) have a threshold of \$300
- 34% (17 of 50) have a threshold of \$500
- 34% (17 of 50) have a threshold of \$1,000

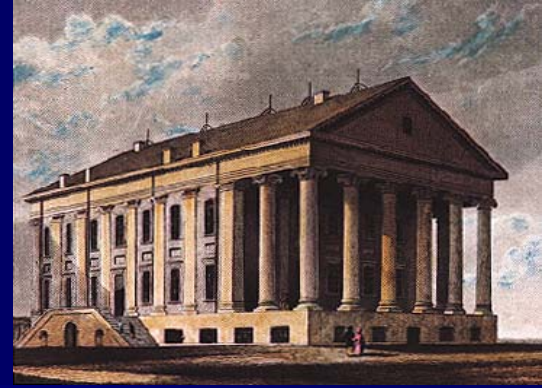


# Special Provisions



- Almost all states have special provisions that protect against theft of various items. Examples of these items include, but are not limited to:
  - Aqua cultural products from a commercial operation;
  - Controlled substances;
  - Dogs for the purpose of dog fighting;
  - Infant formula;
  - Livestock, domestic fowl, commercially farmed animals;
  - Survival equipment;
  - Testamentary instrument;
  - Theft from an employer or theft from a retail merchant.

# Special Provisions in VA



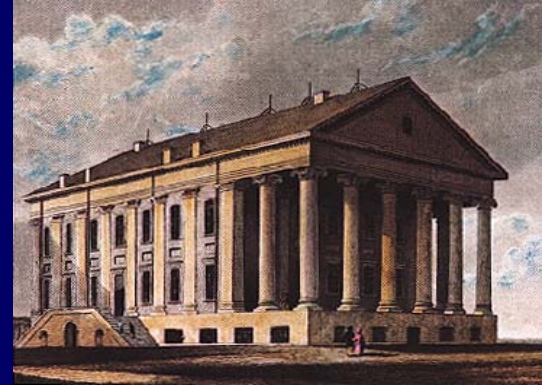
- Bull, Cow, Dog, horse, mule, pony, or steer (§ 18.2-97)
- Credit card or credit card number (§ 18.2-192)
- Firearms (§ 18.2-95)
- Lottery ticket, prize, etc. (§ 58.1-4018.1)
- Milk crates (§ 18.2-102.2)
- Poultry (§ 18.2-97)
- Sheep, lamb, swine, or goat (§ 18.2-97)

# New Thresholds

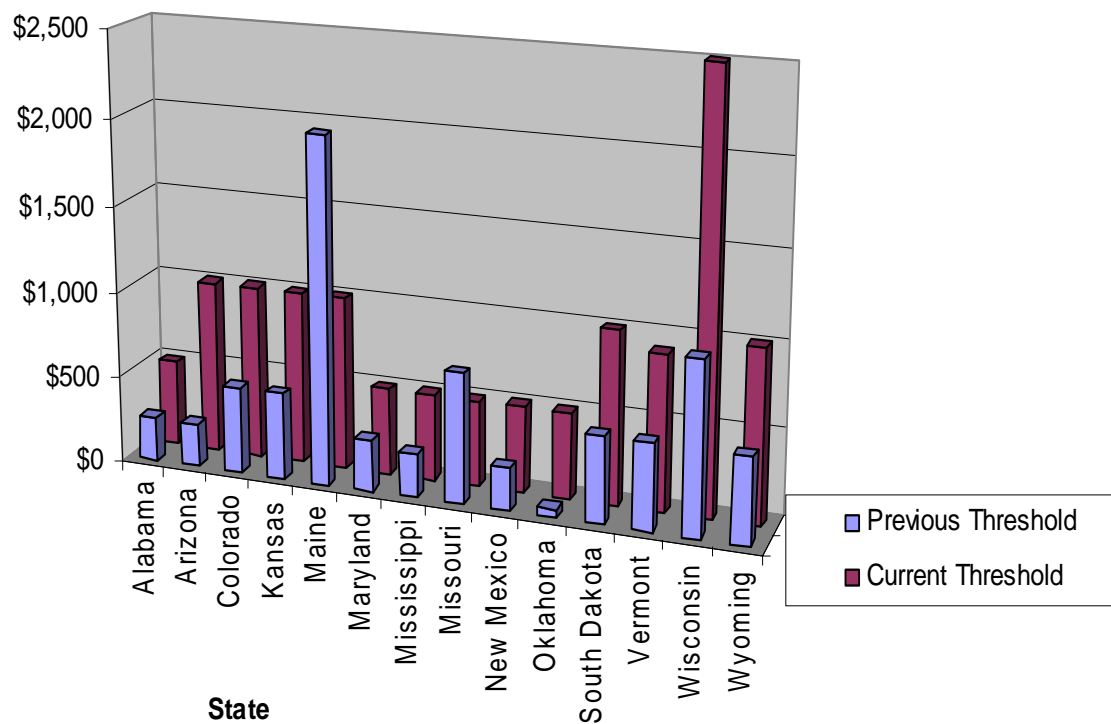


- Twelve states have increased their larceny threshold amounts since the Virginia Criminal Sentencing Commission did their report in 2000:
  - Alabama, Arizona, Colorado, Kansas, Maryland, Mississippi, New Mexico, Oklahoma, South Dakota, Vermont, Wisconsin, Wyoming.
  
- Maine and Missouri have decreased their larceny threshold amounts since 2000.

# New Thresholds



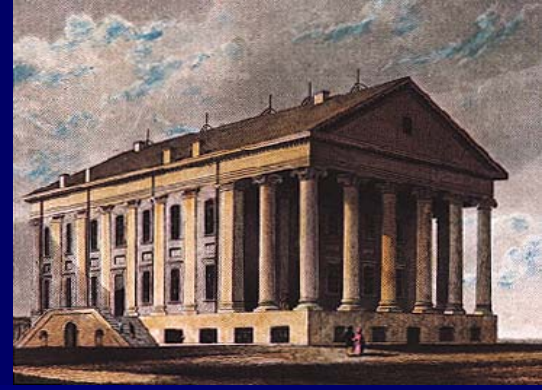
Changed Thresholds



# Inflation Analysis

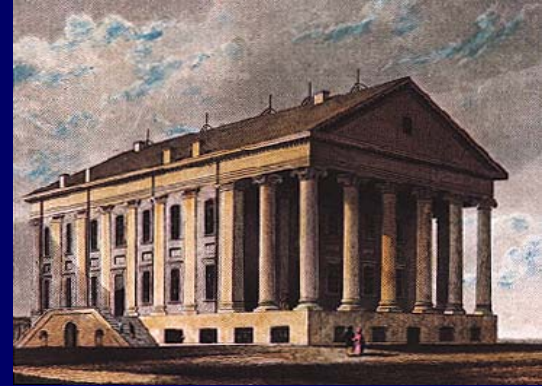


- According to the Bureau of Labor Statistics, \$200 in 1980 equals \$531.76 in 2008.



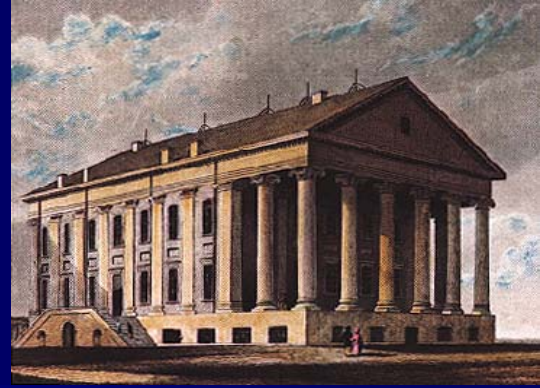
# Possible Legislation

# Possible Legislation



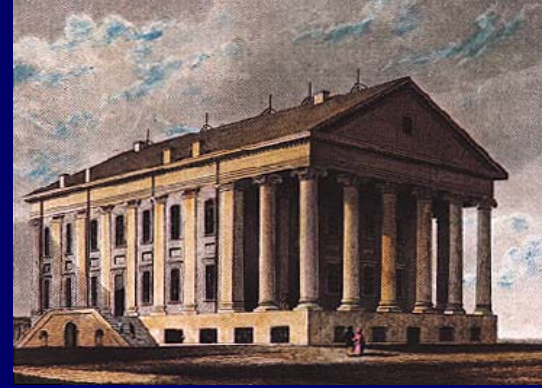
- The threshold amount for grand larceny could be raised to \$500.
- To deter people who calculate the amount they steal at any one time, so as to remain under the felony threshold, a new class of petit larceny could be created.
- This threshold would be between \$200 and \$500, and would be punished as a new Class of misdemeanor—an Aggravated Class 1 misdemeanor.
- The penalty for an Aggravated Class 1 misdemeanor would be from 90 days to 2 years incarceration, and/or a fine of up to \$2,500.
- As with violations of protective orders, a judge would not be able to suspend all of the time imposed for violations of aggravated petit larceny.

# Possible Legislation



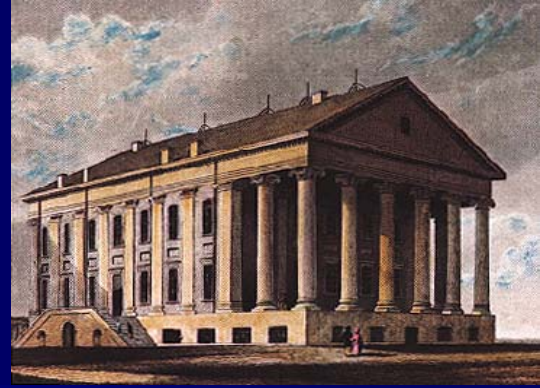
- The advantage of creating a new Class of misdemeanor is that it gives the General Assembly more flexibility in deciding appropriate punishments for certain misdemeanors.
- Misdemeanors that are seen as particularly serious can be punished with increased incarceration, without having to raise them to felonies.

# Possible Legislation



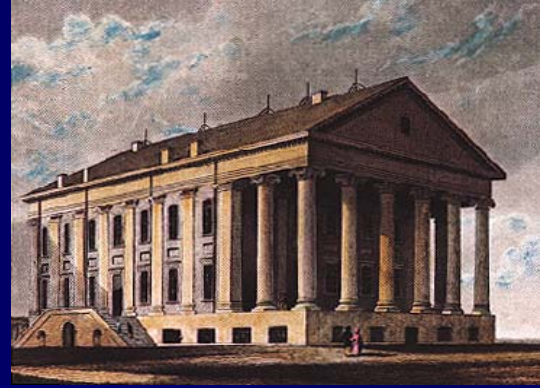
- The following misdemeanor crimes could be considered for elevation to Aggravated Class 1 misdemeanor status:
  - Larceny offenses between \$200 and \$500
  - Second offense petit larceny
  - Second offense of violation of a protective order within 5 years
  - Recruiting an adult into a street gang
  - Assault and battery hate crimes; assaulting a teacher
  - Second offense domestic assault
  - Second offense stalking
  - Second offense DUI crimes
  - Third offense driving on a suspended license
  - Driving after having been declared a habitual offender

# Possible Legislation



- To further combat organized groups who repeatedly engage in petit larcenies, a new crime, conspiracy to commit petit larceny, could be created.
- The statute could specify that the value of all goods stolen, pursuant to a conspiracy, may be aggregated for any six month period, in a manner similar to embezzlement cases in Virginia.

# Possible Legislation



- Multi-jurisdictional grand juries, which already have the authority to investigate embezzlement cases, can be given the authority to investigate instances of grand larceny, or conspiracies to commit larceny.

# Possible Legislation



- Larceny can also be included as one of the predicate crimes for which criminal street gang members can be prosecuted.

# Discussion