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Support HB 1369 – An Appropriate and Effective Response to Non-Violent Larceny Offenses

HB 1369 would adjust the felony larceny threshold from \$200 to \$500. The legislature set a \$200 threshold in 1980, and has not adjusted it since.

Virginia’s threshold is the lowest in the country. In 1980 a gallon of gasoline cost 86 cents and iPhones and Air Jordans didn’t exist. Today, a gallon of gas costs \$3.33 and sneakers and phones can cost well over \$200. Adjusting the threshold to \$500 is actually lower than the current \$200 threshold when adjusted for inflation, which would be approximately \$573 today. Thirty states have set their felony larceny threshold at \$1000 or more, including Georgia, South Carolina, Texas, Arkansas, Kansas, Mississippi, and North Carolina, and forty-six states have set their threshold at \$500 or more. It’s time for Virginia to take the term “felony” seriously and raise the dollar threshold to an appropriate level.

Virginia incarcerates far more people for theft than comparable states. In 2012, more Virginians were sent to prison in adult facilities for larceny than for any other offense: 25% of prison admissions were for crimes like larceny and fraud, significantly more than in comparable states like North Carolina (16% larceny and fraud). There are now more Virginians in prison for these low-level property crimes than there are for assault, burglary, or sexual assault. While Virginia’s larceny rate is much lower than in comparable states (1,690 per 100,000 people in Virginia, compared to 2,185 in North Carolina), its numbers are so high simply because it prosecutes so many small time theft cases as felonies.

Virginia already has a three strikes larceny statute. Under §18.2-104, anyone convicted of a third or subsequent larceny, other offense deemed or punishable as larceny, or any substantially similar offense in another jurisdiction (regardless of whether they were misdemeanors, felonies, or a combination) is guilty of a Class 6 felony. Thus, those who repeatedly steal can be punished with a felony conviction.

Adjusting the threshold would help make communities safer. Virginia is expending valuable and limited resources prosecuting and incarcerating people for these low level felonies, resources that could be better directed to programs that keep communities safe. A felony for a low-level offense like theft of \$300 can destroy a person’s family, chance at ever finding work again, educational prospects, and more, thereby significantly increasing the chance that a person will remain involved in the criminal justice system. In most low-level cases like these, community sanctions are both more appropriate and more effective. Furthermore, retail loss specialists have found no evidence to indicate that adjusting the threshold would lead to increased crime. Instead of invoking severe, ineffective penalties, Virginia would get better results, for less money by raising the theft threshold and reserving the felony designation for more serious crimes.

HB 1369 is a commonsense approach to addressing Virginia’s felony larceny offenses.