



Contact: Rob Poggenklass  
Tony Dunn Legal Fellow  
804.523.2153  
rpoggenklass@acluva.org

## **Raise the Threshold for Non-Violent Larceny Offenses to \$1,500**

SB 23 would adjust the felony larceny threshold from \$200 to \$500. The legislature set a \$200 threshold in 1980, and has not adjusted it since. Although this bill is a step in the right direction, it does not even bring Virginia back to 1980 levels. Because it may be another 35 years or more before the General Assembly addresses the larceny threshold again, the ACLU of Virginia supports an increase to \$1,500.

**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 \$1.79 and sneakers and phones can cost well more than \$200. Adjusting the threshold to \$500 is actually lower than the current \$200 threshold when adjusted for inflation, which would be approximately \$575 today. Thirty states have set their felony larceny threshold at \$1,000 or more, including Georgia, South Carolina, Texas, Arkansas, Kansas, Mississippi, and North Carolina, and 46 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 sends kids to prison for larceny more than any other crime.** Larceny crimes send more of Virginia's children to youth prison than other offenses. In FY2014, larceny was the most common offense for which children were committed to the Department of Juvenile Justice. Some 21.8 percent of kids sent to prison in FY14 were sent there for larceny offenses, more than robbery (21.0 percent), assault (17.4 percent), or burglary (14.2 percent). For adults, the situation isn't much better: 13.4 percent of VDOC inmates are serving time for larceny or fraud, second only to robbery (16.5 percent).

**Virginia has a three strikes larceny statute.** Under §18.2-104, a third or subsequent larceny is a Class 6 felony. Those who repeatedly steal can be punished with a felony conviction.

**Adjusting the threshold would help make communities safer.** Virginia is spending valuable and limited resources prosecuting and incarcerating people for 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, significantly increasing the chance that a person will stay in the criminal justice system. In most low-level cases like these, community sanctions are both more appropriate and effective. Furthermore, retail loss specialists have found no evidence linking the larceny threshold to increased crime. Instead of invoking severe, ineffective penalties, Virginia would get better results for less money by raising the threshold and reserving the felony designation for more serious crimes.

**Virginia's larceny threshold is embarrassingly low and is causing real harm to families and communities. It must be raised.**