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Raise the Threshold for Non-Violent Larceny Offenses to \$1500

The legislature set a \$200 threshold in 1980, and has not adjusted it since. Because it may be another 35 years before the General Assembly addresses the larceny threshold again, the ACLU of Virginia supports an increase to \$1500.

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 much 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 \$1000 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 incarcerates 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 percent of prison admissions were for crimes like larceny and fraud, significantly more than in comparable states like North Carolina (16 percent 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. Larceny crimes also 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).

Virginia has a three strikes larceny statute. Under §18.2-104, anyone convicted of a third or subsequent larceny is guilty of 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 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.

Virginia's larceny threshold is embarrassingly low. It must be raised.