

**Virginia Criminal Sentencing  
Commission**

**Trends in Larceny and Other  
Offenses Affected by the Felony  
Larceny Threshold**

**September 13, 2021**

# Changes in Felony Larceny Threshold in Virginia

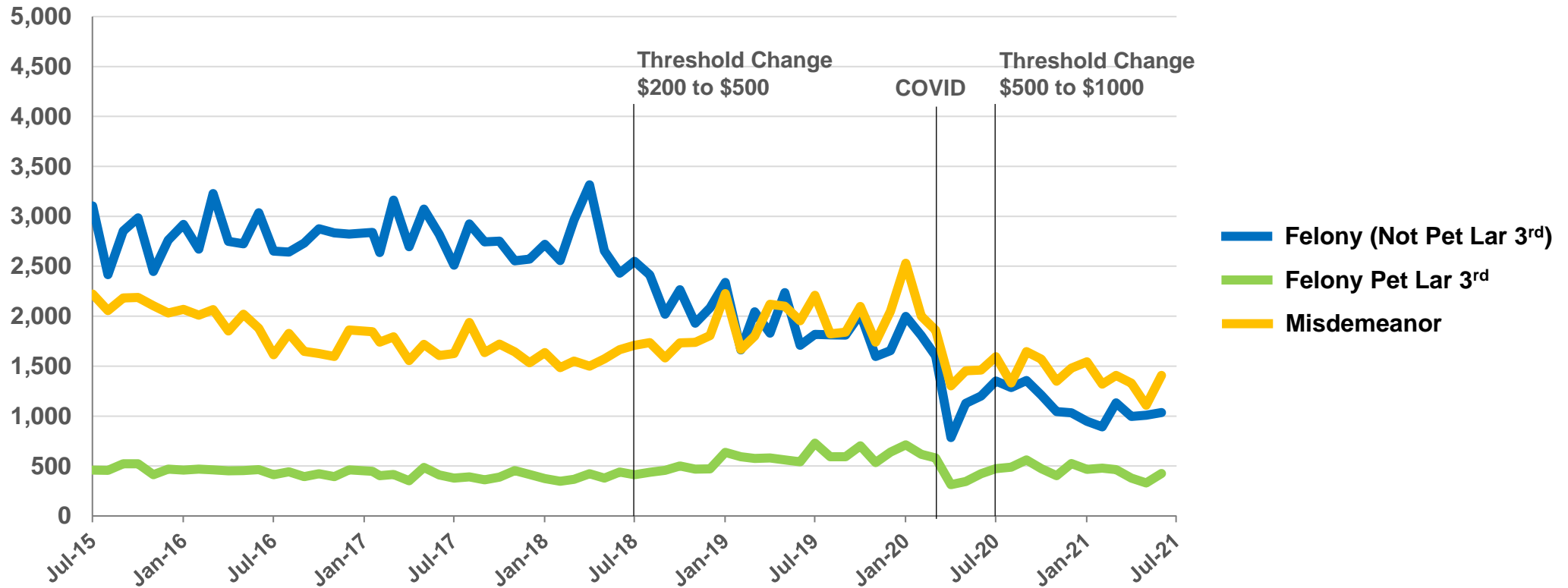


- **Prior to 2018, Virginia’s felony larceny threshold was \$200.**
  - Last changed in 1980.
  - Tied for lowest in nation at that time.
- **Many offenses in the *Code of Virginia* are “deemed larceny” (punishable in the same manner as larceny) or were otherwise affected by changes in the felony larceny threshold.**
- **The 2018 General Assembly passed legislation to increase the felony larceny threshold from \$200 to \$500.**
- **The 2020 General Assembly increased the threshold to \$1,000.**
  - This the median value for all 50 states.



# Charges for Larceny and Other Offenses Affected by the Felony Larceny Threshold (All Court Levels)

## CHARGES



Notes: In order to avoid double-counting in this chart, charges in General District Court or Juvenile & Domestic Relations Court that were certified to the grand jury or otherwise certified to Circuit Court were excluded (these charges will be counted in Circuit Court files). Similarly, appeals from General District and Juvenile & Domestic Relations Court were excluded. Circuit Court data do not include cases from Fairfax or Alexandria as clerks in those jurisdictions do not participate in the statewide Case Management System. Analysis of Juvenile & Domestic Relations Court data includes only adult offenders processed in JDR Court.

Source: Virginia Criminal Sentencing Commission analysis of the Supreme Court of Virginia's Case Management Systems (CMS) for the Circuit Court, General District and Juvenile and Domestic Relations Courts



**CHARGES for Larceny and Other Offenses Affected by the Felony Larceny Threshold**



**CIRCUIT COURT**

	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
<b>Felony (Not Pet Lar 3<sup>rd</sup>)</b>	77%	78%	77%	69%	61%	57%
<b>Felony Pet Lar 3<sup>rd</sup></b>	14%	13%	12%	18%	23%	25%
<b>Misdemeanor</b>	9%	9%	11%	13%	16%	18%
<b>N</b>	23,149	22,063	21,939	19,285	13,689	11,083

**(All Court Levels)**



**GENERAL DISTRICT COURT\***

<b>Felony (Not Pet Lar 3<sup>rd</sup>)</b>	49%	53%	54%	41%	36%	32%
<b>Felony Pet Lar 3<sup>rd</sup></b>	9%	9%	9%	14%	15%	15%
<b>Misdemeanor</b>	42%	38%	37%	45%	48%	53%
<b>N</b>	55,325	50,210	47,890	45,411	42,581	23,962

**JUV. & DOM. RELATIONS COURT\***

<b>Felony (Not Pet Lar 3<sup>rd</sup>)</b>	68%	67%	72%	55%	56%	48%
<b>Felony Pet Lar 3<sup>rd</sup></b>	4%	5%	4%	6%	4%	5%
<b>Misdemeanor</b>	28%	28%	25%	38%	40%	47%
<b>N</b>	3,243	3,443	2,816	2,858	2,577	1,949

**OVERALL**

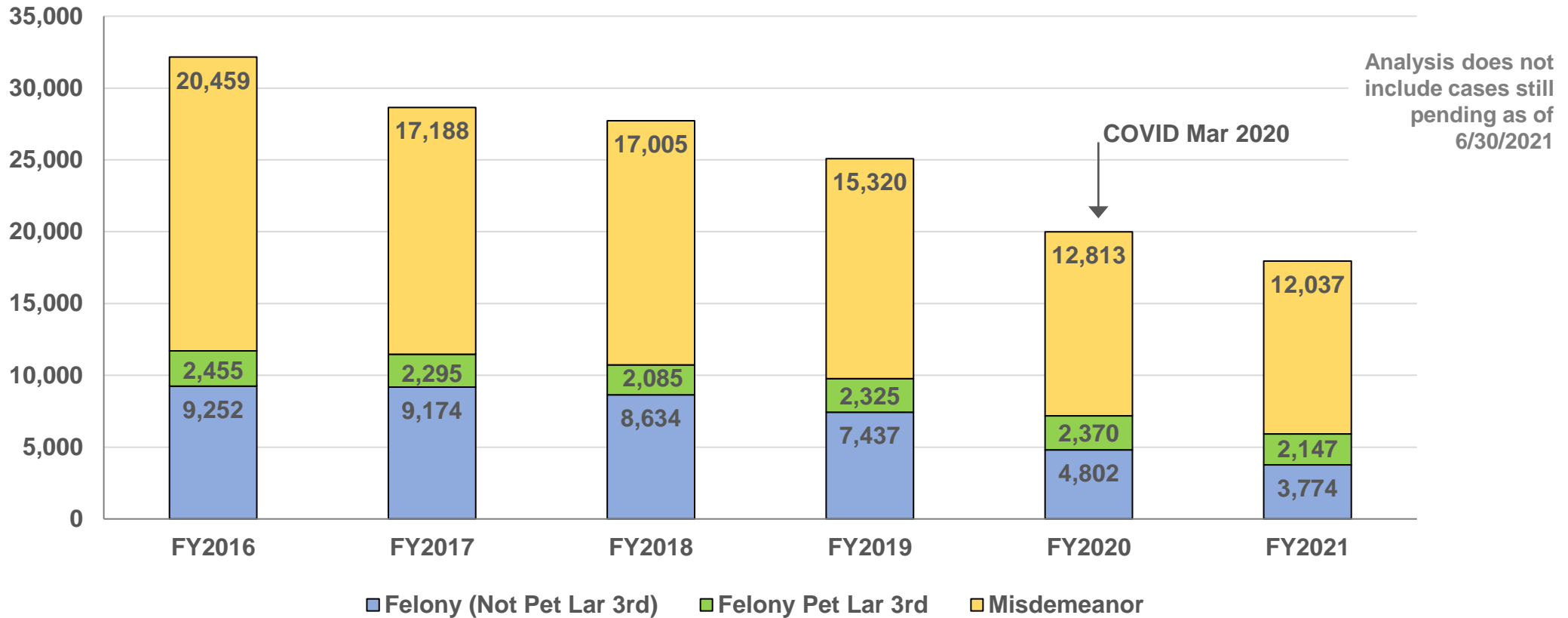
<b>Felony (Not Pet Lar 3<sup>rd</sup>)</b>	58%	61%	61%	50%	43%	40%
<b>Felony Pet Lar 3<sup>rd</sup></b>	10%	10%	10%	14%	17%	18%
<b>Misdemeanor</b>	32%	29%	29%	36%	40%	42%
<b>N</b>	81,717	75,716	72,645	67,554	58,847	36,994

\* The General District and JDR Courts hold hearings for felony charges filed in those courts.



# Convictions for Larceny and Other Offenses Affected by the Felony Larceny Threshold (All Court Levels)

## CONVICTIONS



**Notes:** In order to avoid duplication when analyzing Circuit Court CMS data, appeals from General District and Juvenile & Domestic Relations Court are excluded. Circuit Court data do not include cases from Fairfax or Alexandria as clerks in those jurisdictions do not participate in the statewide Case Management System. Analysis of Juvenile & Domestic Relations Court data includes only adult offenders processed in JDR Court.

**Source:** Virginia Criminal Sentencing Commission analysis of the Supreme Court of Virginia's Case Management Systems (CMS) for the Circuit Court, General District and Juvenile and Domestic Relations Courts

# CONVICTIONS for Larceny and Other Offenses Affected by the Felony Larceny Threshold

(All Court Levels)

	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
<b>CIRCUIT COURT</b>						
Felony (Not Pet Lar 3 <sup>rd</sup> )	61%	62%	61%	55%	48%	44%
Felony Pet Lar 3 <sup>rd</sup>	16%	15%	15%	17%	24%	25%
Misdemeanor	22%	23%	24%	27%	28%	31%
N	15,100	14,862	14,116	13,410	9,959	8,594
<b>GENERAL DISTRICT COURT</b>						
Felony (Not Pet Lar 3 <sup>rd</sup> )	0%	0%	0%	0%	0%	0%
Felony Pet Lar 3 <sup>rd</sup>	0%	0%	0%	0%	0%	0%
Misdemeanor	100%	100%	100%	100%	100%	100%
N	16,641	13,347	13,189	11,330	9,746	9,073
<b>JUV. &amp; DOM. RELATIONS COURT</b>						
Felony (Not Pet Lar 3 <sup>rd</sup> )	0%	0%	0%	0%	0%	0%
Felony Pet Lar 3 <sup>rd</sup>	0%	0%	0%	0%	0%	0%
Misdemeanor	100%	100%	100%	100%	100%	100%
N	425	448	419	342	280	291
<b>OVERALL</b>						
Felony (Not Pet Lar 3 <sup>rd</sup> )	29%	32%	31%	30%	24%	21%
Felony Pet Lar 3 <sup>rd</sup>	8%	8%	8%	9%	12%	12%
Misdemeanor	64%	60%	61%	61%	64%	67%
N	32,166	28,657	27,724	25,082	19,985	17,958



# Convictions for Larceny and Other Offenses Affected by the Felony Larceny Threshold (All Court Levels)

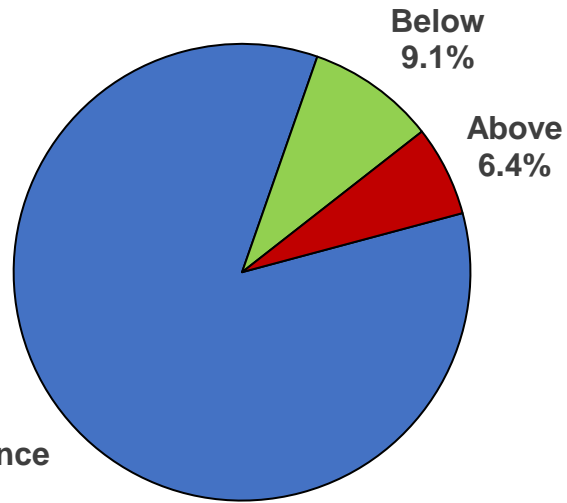
## CONVICTIONS

	FELONY THRESHOLD \$200	FELONY THRESHOLD \$500	FELONY THRESHOLD \$1000	Based on Date of Offense
<b>Felony (Not Pet Lar 3<sup>rd</sup>)</b>	Probation/No Active Incarceration	54.0%	52.6%	46.5%
	Jail up to 12 months	28.1%	29.9%	34.9%
	Prison 1 year or more	17.9%	17.4%	18.6%
	<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
<b>Felony Pet Lar 3rd</b>	Probation/No Active Incarceration	30.7%	36.5%	36.5%
	Jail up to 12 months	48.2%	46.6%	51.4%
	Prison 1 year or more	21.1%	16.9%	12.1%
	<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
<b>Misdemeanor</b>	Probation/No Active Incarceration	59.7%	61.3%	65.1%
	Jail up to 12 months	40.3%	38.7%	34.9%
	<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>



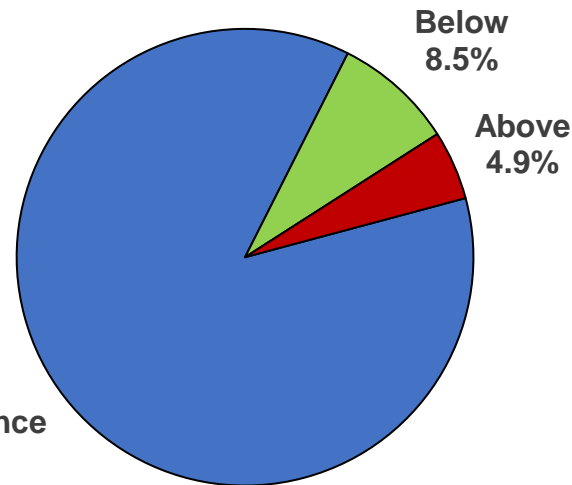
# Felony Sentencing Events for Larceny and Other Offenses Affected by the Felony Larceny Threshold

Threshold \$200



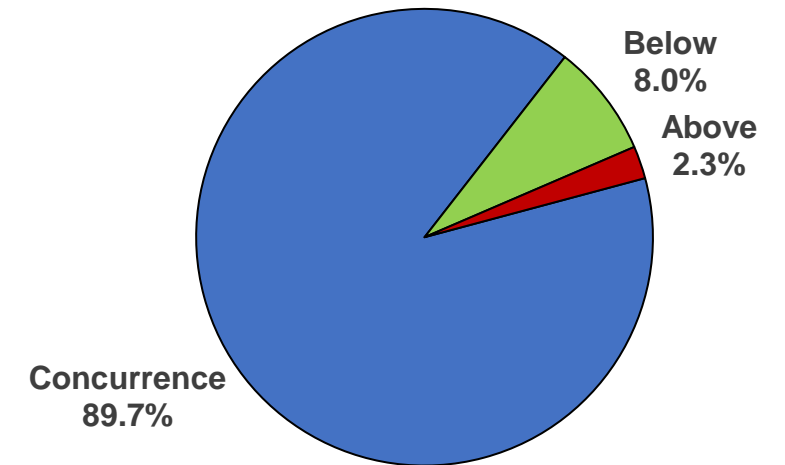
N=18,112

Threshold \$500



N=3,799

Threshold \$1000



N=213

**Offenses are Classified by the Most Serious Offense at Sentencing and the Date of Offense**





# Felony Sentencing Events for Larceny and Other Offenses Affected by the Felony Larceny Threshold

FY2016 – FY2021

	<b>Number of Sentencing Events Resulting in Recommendation for Incarceration &gt;6 Months</b>	<b>Median Recommended Midpoint</b>
<b>Threshold \$200</b>	<b>7,725</b>	<b>21 Months</b>
<b>Threshold \$500</b>	<b>1,549</b>	<b>20 Months</b>
<b>Threshold \$1,000</b>	<b>75</b>	<b>18 Months</b>

**Offenses are Classified by the Most Serious Offense at Sentencing and the Date of Offense**



