



# VIRGINIA CRIMINAL SENTENCING COMMISSION

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## Proposed Revisions to the Sentencing Guidelines Worksheets



# Modifications to the Sentencing Guidelines



**The Commission closely monitors the sentencing guidelines system and, each year, deliberates upon possible modifications to the guidelines.**



**Under § 17.1-806 of the *Code of Virginia*, any Guidelines modifications adopted by the Commission must be presented in its annual report, due to the General Assembly each December 1.**



**Unless otherwise provided by law, the changes recommended by the Commission become effective on the following July 1.**



# Proposals for New Guidelines Offenses



Proposals reflect the best fit for the historical data analyzed.



Proposals are designed to closely match the historical rate of incarceration in prison and jail.



The proposals presented today represent a complete reanalysis. Unlike previous methods that used factors from current guidelines worksheets to score historical cases, today's recommendations may include scores and factors that differ from those used previously.

Additionally, offenses with insufficient case data have been removed from the Guidelines.



# Proposal Review and Next Steps Outline

## 1. Proposal Clarification

- Answer any questions you have about the recommendations

## 2. Feedback Request

- We welcome feedback on implementation issues and design

## 3. Next Steps if Approved: Quality Control

- Staff will review the syntax again
- Trainers will write the instructions
- IT will Identify any issues implementing the revised worksheet in *SWIFT*
- Staff will Develop the Recommendation C Tables

## 4. Review Timeline

- On November 6, 2025, members may again review the recommendations in the Annual Report and the Recommendation C Tables.

**Any changes will require a final vote.**

## 5. If Not Approved

- We will continue refining the models and recommendations







# VIRGINIA CRIMINAL SENTENCING COMMISSION

## Proposed Recommendation 1:

Update the Fraud Guidelines



## Fraud Sentencing Events Examined

**Sentencing Events with Fraud  
as the Primary Offense**

|                  | Number of<br>Sentencing<br>Events |
|------------------|-----------------------------------|
| Fraud – Take All | 331                               |
| Fraud – 10 Years | 270                               |
| Fraud – 20 Years | 317                               |
| <b>TOTAL</b>     | <b>918</b>                        |

## Section A - Proposed

## Incarceration In-Out Recommendation

### Fraud ❖ Section A

Offender Name: \_\_\_\_\_

◆ **Primary Offense** \_\_\_\_\_ (scores for attempted/conspired offenses are in parentheses)

|    |                                                                                              |     |
|----|----------------------------------------------------------------------------------------------|-----|
| A. | Attempted or conspired fraud offense (1 count).....                                          | (4) |
| B. | FRD-2360-F9 Theft of credit card or numbers(1 count).....                                    | 5   |
| C. | FRD-2509-F6 Use identifying information to defraud, > \$1000 (1 count).....                  | 4   |
| D. | FRD-2510-F6 Obtain identifying information with intent to defraud, 2nd or sub (1 count)..... | 5   |
| E. | FRD-2512-F5 Forgery of credit card (1 count).....                                            | 4   |
| F. | FRD-2514-F4 Forging – coins or bank notes (1 count).....                                     | 4   |
| G. | FRD-2517-F6 Possess forged banks notes or coins – 10 or more (1 count).....                  | 4   |
| H. | FRD-2519-F4 Forging public record (1 count).....                                             | 4   |
| I. | FRD-2520-F5 Forgery (1 count).....                                                           | 4   |
| J. | FRD-2521-F5 Uttering (1 count).....                                                          | 5   |
| K. | FRD-2535-F4 Uttering public record (1 count).....                                            | 4   |
| L. | FRD-2624-F6 Bad checks, \$1000 or more (1 count).....                                        | 5   |
| M. | FRD-2635-F6 Credit card fraud > \$1000 over 6 month period (1 count).....                    | 6   |
| N. | FRD-2695-F9* Fraudulently obtaining welfare assistance – \$1000 or more (1 count).....       | 1   |
| O. | FRD-2699-F6 Bad checks, two or more w/in 90 days, > = \$1000 (1 count).....                  | 5   |
| P. | FRD-2743-F9 Obtain money by false pretenses >= \$1000 (1 count).....                         | 4   |
| Q. | FRD-2795-F9 Receiving stolen credit card/numbers with the intent to use/sell (1 count).....  | 4   |
| R. | FRD-2805-F9 Fail to perform construction in return for advances, >= \$1000 (1 count).....    | 7   |
| S. | FRD-3337-F9 False statement in application for payment (felony) (1 count).....               | 7   |

\* Attempted and conspired offenses are scored the same as a completed act.

Score

|  |  |
|--|--|
|  |  |
|--|--|

◆ **Primary Offense Remaining Counts** \_\_\_\_\_

Remaining Counts: 0 to 1 ..... 0  
2 or more ..... 1

|   |  |
|---|--|
| 0 |  |
|---|--|

◆ **Additional Offenses** Total the number of additional offenses, including counts \_\_\_\_\_

| Primary offense: K: FRD-2535-F4 Uttering public record |        |
|--------------------------------------------------------|--------|
| Counts                                                 | Points |
| 0                                                      | 0      |
| 1 to 5                                                 | 6      |
| 6 or more                                              | 8      |

| Primary offense: All other offenses |        |
|-------------------------------------|--------|
| Counts                              | Points |
| 0                                   | 0      |
| 1                                   | 2      |
| 2 to 5                              | 3      |
| 6 or more                           | 4      |

|   |  |
|---|--|
| 0 |  |
|---|--|

◆ **Prior Felony Convictions/Adjudications Against Person** \_\_\_\_\_ If YES, add 1 →

|   |  |
|---|--|
| 0 |  |
|---|--|

◆ **Mandatory Minimum in Current Event** \_\_\_\_\_

|                                                                    |                                                      |
|--------------------------------------------------------------------|------------------------------------------------------|
| Primary Offense: N: Fraudulently Obtaining Welfare<br>Do Not Score | Primary Offense: All other offenses<br>If YES, add 9 |
|--------------------------------------------------------------------|------------------------------------------------------|

|   |  |
|---|--|
| 0 |  |
|---|--|

◆ **Prior Incarcerations/Commitments** \_\_\_\_\_

|                                                                    |                                                      |
|--------------------------------------------------------------------|------------------------------------------------------|
| Primary Offense: N: Fraudulently Obtaining Welfare<br>Do Not Score | Primary Offense: All other offenses<br>If YES, add 5 |
|--------------------------------------------------------------------|------------------------------------------------------|

|   |  |
|---|--|
| 0 |  |
|---|--|

◆ **Legally Restrained at Time of Offense** \_\_\_\_\_ If YES, add 3 →

|   |  |
|---|--|
| 0 |  |
|---|--|

**Total Score** \_\_\_\_\_

If total is 11 or less, the guidelines sentence is Probation/No Incarceration.  
If total is 12 or more, go to Section C.

|  |  |
|--|--|
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Fraud/Section A

If total is 12 or more, go to Section C.

## Section C - Proposed

### Sentence Length Recommendation

### Incarceration 1 Day or More

#### Fraud ❖ Section C

##### ◆ Primary Offense

Offender Name: \_\_\_\_\_

Prior Record Classification \_\_\_\_\_  
☐ Category I ☐ Category II ☐ Other  
(scores for attempted/conspired offenses are in parentheses)

|    |                                                                                               |     |     |     |
|----|-----------------------------------------------------------------------------------------------|-----|-----|-----|
| A. | Attempted or conspired fraud offense (1 count) .....                                          | (3) | (2) | (1) |
| B. | FRD-2360-F9 Theft of credit card or numbers (1 count) .....                                   | 6   | 5   | 4   |
| C. | FRD-2509-F6 Use identifying information to defraud, > \$1000 (1 count) .....                  | 6   | 5   | 4   |
| D. | FRD-2510-F6 Obtain identifying information with intent to defraud, 2nd or sub (1 count) ..... | 3   | 2   | 1   |
| E. | FRD-2512-F5 Forgery of credit card (1 count) (1 count) .....                                  | 6   | 5   | 3   |
| F. | FRD-2514-F4 Forgery – coins or bank notes (1 count) .....                                     | 4   | 3   | 2   |
| G. | FRD-2517-F6 Possess forged banks notes or coins – 10 or more (1 count) .....                  | 6   | 5   | 4   |
| H. | FRD-2519-F4 Forgery public record (1 count) .....                                             | 6   | 5   | 4   |
| I. | FRD-2520-F5 Forgery (1 count) .....                                                           | 7   | 5   | 4   |
| J. | FRD-2521-F5 Uttering (1 count) .....                                                          | 3   | 2   | 1   |
| K. | FRD-2535-F4 Uttering public record (1 count) .....                                            | 9   | 8   | 6   |
| L. | FRD-2624-F6 Bad checks, \$1000 or more (1 count) .....                                        | 6   | 5   | 4   |
| M. | FRD-2635-F6 Credit card fraud > \$1000 over 6 month period (1 count) .....                    | 7   | 6   | 5   |
| N. | FRD-2699-F6 Bad checks, two or more w/in 90 days, > = \$1000 (1 count) .....                  | 5   | 4   | 3   |
| O. | FRD-2743-F9 Obtain money by false pretenses >= \$1000 (1 count) .....                         | 8   | 7   | 5   |
| P. | FRD-2795-F9 Receiving stolen credit card/numbers with the intent to use/sell (1 count) .....  | 8   | 6   | 5   |
| Q. | FRD-2805-F9 Fail to perform construction in return for advances, >= \$1000(1 count) .....     | 11  | 9   | 7   |
| R. | FRD-3337-F9 False statement in application for payment (felony) (1 count) .....               | 3   | 2   | 1   |

Score

|   |  |  |
|---|--|--|
| 0 |  |  |
|---|--|--|

##### ◆ Primary Offense Remaining Counts Assign points to each count of the primary not scored above and total the points

|                  |                 |   |
|------------------|-----------------|---|
| Maximum Penalty: | 4 or less ..... | 0 |
| Years            | 5 to 10 .....   | 1 |
|                  | 20 .....        | 2 |

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

##### ◆ Additional Offenses Assign points to each additional offense (including counts) and total the points

|                  |                    |   |
|------------------|--------------------|---|
| Maximum Penalty: | 0 to 3 .....       | 0 |
| (years)          | 4 to 5 .....       | 1 |
|                  | 10 .....           | 2 |
|                  | 20 .....           | 3 |
|                  | 30 .....           | 5 |
|                  | 40, 50, Life ..... | 6 |

|  |  |  |
|--|--|--|
|  |  |  |
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##### ◆ Type of Additional Offense (Score if any additional offense includes the following prefix)

|                                                  |   |
|--------------------------------------------------|---|
| Other .....                                      | 0 |
| Felony with prefix of ROB, WPN, ASL or FAM ..... | 4 |

|   |   |  |
|---|---|--|
| 0 | 0 |  |
|---|---|--|

##### ◆ Mandatory Minimum in Current Event Assign points to each additional offense with a mandatory minimum and total the points

|                                          |   |                                     |   |                                         |   |
|------------------------------------------|---|-------------------------------------|---|-----------------------------------------|---|
| Less than 2 Year Mandatory Minimum ..... | 0 | 2 to 3 Year Mandatory Minimum ..... | 1 | 5 Years or More Mandatory Minimum ..... | 2 |
|------------------------------------------|---|-------------------------------------|---|-----------------------------------------|---|

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

##### ◆ Victim Injury If YES, add 6

|   |   |  |
|---|---|--|
| 0 | 0 |  |
|---|---|--|

##### ◆ Prior Incarceration If YES, add 3

|   |   |  |
|---|---|--|
| 0 | 0 |  |
|---|---|--|

##### ◆ Prior Incarceration Event of 1 Year or More If YES, add 4

|   |   |  |
|---|---|--|
| 0 | 0 |  |
|---|---|--|

##### ◆ Legally Restrained at Time of Offense

|                                                                                               |   |
|-----------------------------------------------------------------------------------------------|---|
| None .....                                                                                    | 0 |
| Other .....                                                                                   | 1 |
| Parole, post-release, supervised probation, or supervised probation after incarceration ..... | 4 |

|   |   |  |
|---|---|--|
| 0 | 0 |  |
|---|---|--|

##### Total Score

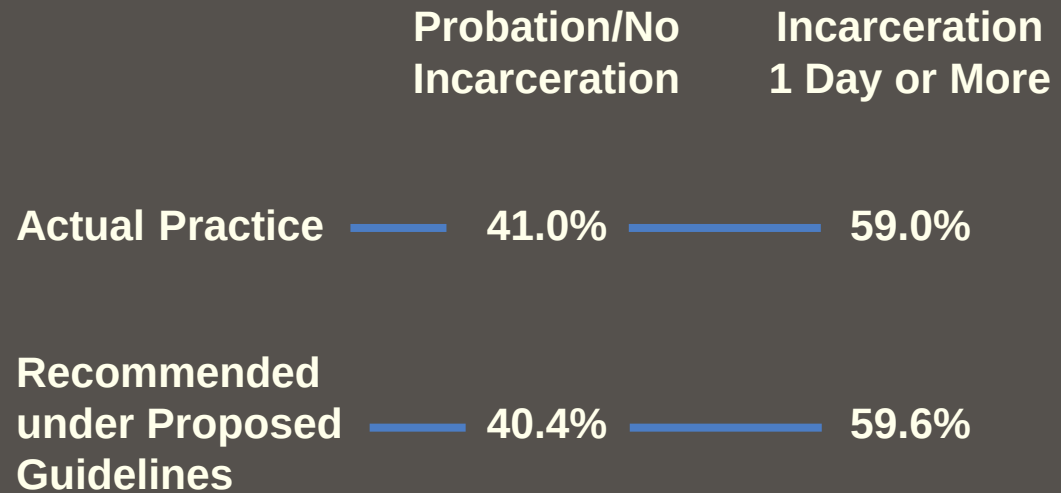
See Fraud Section C Recommendation Table for guidelines sentence range.  
Then, go to Section D Nonviolent Risk Assessment and follow the instructions.

|  |  |  |
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|  |  |  |
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# FRAUD

## Proposed Section A

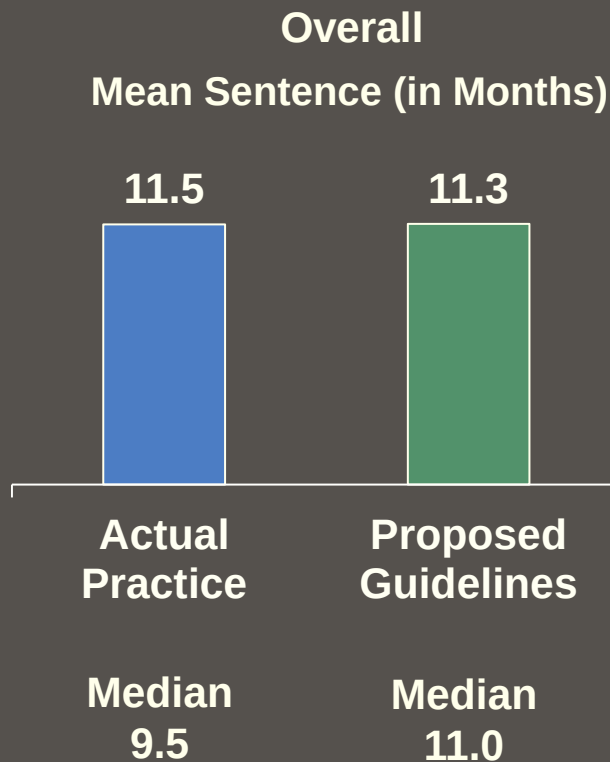


Proposed guidelines are closely aligned with the actual incarceration rates.

# FRAUD

## Proposed Section C

### Defendants Sentenced to Incarceration of 1 Day or More



| Most Serious Offense                           | Mean Sentence (in Months) |                     |
|------------------------------------------------|---------------------------|---------------------|
|                                                | Actual Practice           | Proposed Guidelines |
| Theft of credit card or credit card numbers    | 12.2                      | 11.8                |
| Forgery, public record                         | 9.0                       | 8.8                 |
| Forgery                                        | 12.6                      | 12.2                |
| Obtain identifying info with intent to defraud | 12.0                      | 12.1                |
| Uttering                                       | 8.3                       | 8.0                 |
| False pretenses, obtain money by, >\$1000      | 12.0                      | 11.7                |
| Credit card fraud, >\$1000 in 6-month period   | 15.5                      | 15.7                |
| Attempts and Conspiracies                      | 14.0                      | 14.0                |
| Forgery of coins or bank notes                 | 10.4                      | 10.5                |
| Uttering, public record                        | 14.0                      | 14.0                |

# FRAUD

## Proposed Section C

### Defendants Sentenced to Incarceration of 1 Day or More

| Most Serious Offense                                         | Mean Sentence (in months) |                     |
|--------------------------------------------------------------|---------------------------|---------------------|
|                                                              | Actual Practice           | Proposed Guidelines |
| Bad check, \$1000 or more                                    | 8.9                       | 8.4                 |
| Receive stolen credit card or number                         | 12.5                      | 12.5                |
| Forgery or uttering of credit card                           | 13.9                      | 14.3                |
| Financial loss >\$1000, use of identifying info to defraud   | 9.2                       | 9.6                 |
| Fail to perform construction in return for advances, >\$1000 | 16.2                      | 16.0                |
| Possess forged bank notes or coins - 10 or more              | 9.9                       | 9.5                 |
| Fraudulently obtaining welfare assistance, >\$1000           | 0                         | 0                   |
| Bad checks, 2 or more w/in 90 days, >\$1000                  | 10.5                      | 10.5                |
| False statement in application for payment                   | 4.3                       | 4.8                 |

# FRAUD

## Proposed Section C

### Offenses Dropped From Guidelines

| Offense                                                     | VCC     | Sample Size in Section C Dataset |
|-------------------------------------------------------------|---------|----------------------------------|
| Receiving goods from credit fraud - \$1000 or more          | FRD2807 | 0                                |
| False statements to obtain property/credit - \$1000 or more | FRD2811 | 0                                |
| False statement to obtain utilities, TV, \$1000 or more     | FRD2689 | 0                                |
| Make or possess forging instruments                         | FRD2515 | 0                                |
| Intent to defraud, funds not used to pay for labor/supplies | FRD2602 | 0                                |
| False statement to obtain hotel/motel service, >\$1000      | FRD2650 | 2                                |
| Unauthorized use of food stamps, >\$1000                    | FRD2693 | 2                                |
| False application for assistance                            | FRD2700 | 2                                |



# FRAUD

## Proposed Section C

### Offenses Dropped From Guidelines, Continued

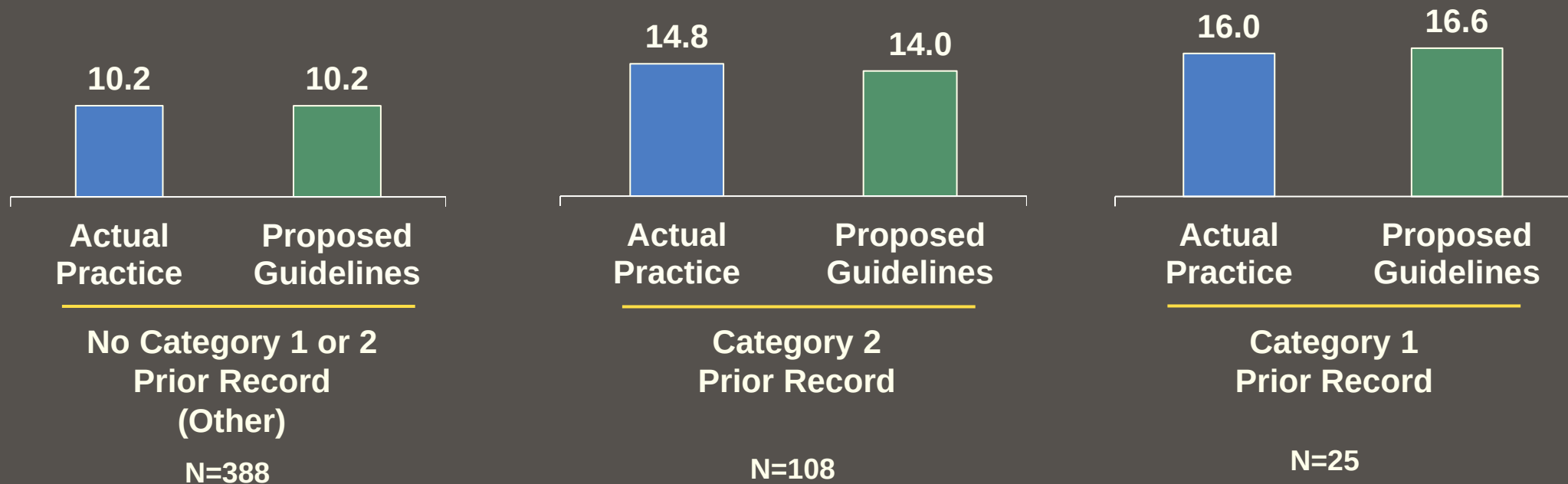
| Offense                                                       | VCC     | Sample Size in Section C Dataset |
|---------------------------------------------------------------|---------|----------------------------------|
| Possess credit card forging devices                           | FRD2513 | 0                                |
| Forging official seal                                         | FRD2516 | 0                                |
| Airline/railroad ticket, obtain at discount price by fraud    | FRD2622 | 0                                |
| Fraudulent use of birth certificate/license to obtain firearm | FRD2647 | 0                                |
| Fraud in commerical dealings with government                  | FRD2648 | 0                                |
| Buying pig iron with intent to defraud                        | FRD2675 | 0                                |
| Submitting a false certified statement to government agency   | FRD2684 | 0                                |
| Obtain signature, writing by false pretenses                  | FRD2742 | 0                                |

# FRAUD

## Proposed Section C

**Defendants Sentenced to Incarceration of 1 Day or More**

**Mean Sentence (in Months)  
by Prior Record Category**





## VIRGINIA CRIMINAL SENTENCING COMMISSION

### **Proposed Recommendation 1:**

Update Sentencing Guidelines for fraud to better reflect recent sentencing practices.





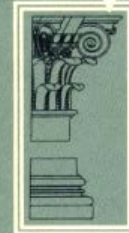
# VIRGINIA CRIMINAL SENTENCING COMMISSION

## Proposed Recommendation 2:

Update the Larceny Guidelines



VIRGINIA  
SENTENCING  
GUIDELINES





## Larceny Sentencing Events Examined

**Sentencing Events with Larceny  
as the Primary Offense**

|                            | Number of<br>Sentencing<br>Events |
|----------------------------|-----------------------------------|
| Larceny - Take All         | 201                               |
| Larceny - 5 Yr Max         | 144                               |
| Grand Larceny - Property   | 145                               |
| Grand Larceny - Person     | 144                               |
| Grand Larceny - Firearm    | 146                               |
| Grand Larceny - Auto       | 144                               |
| Embezzlement               | 142                               |
| Stolen Property / Shoplift | 146                               |
| <b>TOTAL</b>               | <b>1212</b>                       |

## Section A - Proposed

## Incarceration In-Out Recommendation

### Larceny Section A

Offender Name: \_\_\_\_\_

◆ **Primary Offense** \_\_\_\_\_ (scores for attempted/conspired offenses are in parentheses)

|                                                                                                  |     |
|--------------------------------------------------------------------------------------------------|-----|
| A. Attempted or conspired larceny (1 count).....                                                 | (4) |
| B. LAR-2321-F9* Bailee, fail to return animal, auto, etc. - \$1000 or more (1 count).....        | 3   |
| C. LAR-2808-F9 Receive stolen goods - \$1000 or more (1 count).....                              | 4   |
| D. LAR-2359-F9 Grand Larceny - \$1000 or more not from person (1 count).....                     | 6   |
| E. LAR-2304-F9 Conspire to commit or assist in larceny w/aggregate value ≥ \$1000 (1 count)..... | 6   |
| F. LAR-2383-F9 Larceny of firearms, regardless of value, not from person (1 count).....          | 6   |
| G. LAR-2334-F9 Larceny of bank notes, checks, etc worth \$1000 or more (1 count).....            | 6   |
| H. LAR-2379-F9 Conversion by fraud property titled to another \$1000 or more (1 count).....      | 6   |
| I. LAR-2354-F9 Shoplift, alter price tags > \$1000 (1 count).....                                | 7   |
| J. LAR-2412-F6 Unauthorized use of animal, auto, boat worth \$1000 or more (1 count).....        | 7   |
| K. LAR-2404-F9 Grand larceny auto (1 count).....                                                 | 8   |
| L. LAR-2381-F9 Fail to return leased personal property, \$1000 or more (1 count).....            | 8   |
| M. LAR-2317-F5 Larceny of animals (dog, horse, pony, mule, cow etc.) (1 count).....              | 8   |
| N. LAR-2707-F9 Embezzlement, \$1000 or more (1 count).....                                       | 8   |
| O. LAR-2302-F9 Receive stolen goods, intent to sell - \$1000 or more (1 count).....              | 9   |
| P. LAR-2361-F9 Grand larceny - \$5 or more from person (1 count).....                            | 9   |
| Q. LAR-2810-F6 Receipt of transfer, vehicle, aircraft or boat (1 count).....                     | 9   |
| R. LAR-2817-F9 Receive stolen firearm (1 count).....                                             | 10  |
| S. LAR-2303-F5 Receive stolen goods, intent to sell - aggregate \$1000 or more (1 count).....    | 11  |

\* Attempted and conspired offenses are scored the same as a completed act.

**Score**  
▼  

|  |  |
|--|--|
|  |  |
|--|--|

◆ **Primary Offense Remaining Counts** \_\_\_\_\_

|                          |   |
|--------------------------|---|
| Remaining Counts: 0..... | 0 |
| 1.....                   | 2 |
| 2 or more.....           | 3 |

|   |  |
|---|--|
| 0 |  |
|---|--|

◆ **Additional Offenses** Total the maximum penalties for additional offenses, including counts \_\_\_\_\_

|                         |   |
|-------------------------|---|
| Maximum Penalty: 0..... | 0 |
| (years) 1 to 10.....    | 2 |
| 11 to 20.....           | 3 |
| 21 or more.....         | 4 |

|   |  |
|---|--|
| 0 |  |
|---|--|

◆ **Prior Convictions/Adjudications** Number of convictions/adjudications for misdemeanors and felonies \_\_\_\_\_

|                                                 |   |
|-------------------------------------------------|---|
| Number of Counts: 0 to 1 prior convictions..... | 0 |
| 2 to 4 prior convictions.....                   | 1 |
| 5 to 10 prior convictions.....                  | 3 |
| 11 or more prior convictions.....               | 4 |

|   |  |
|---|--|
| 0 |  |
|---|--|

◆ **Mandatory Minimum in Current Event** \_\_\_\_\_ If YES, add 16 → 

|  |  |
|--|--|
|  |  |
|--|--|

◆ **Prior Incarcerations/Commitments** \_\_\_\_\_ If YES, add 8 → 

|   |  |
|---|--|
| 0 |  |
|---|--|

◆ **Prior Juvenile Record** \_\_\_\_\_ If YES, add 2 → 

|   |  |
|---|--|
| 0 |  |
|---|--|

◆ **Legally Restrained at Time of Offense** \_\_\_\_\_

|                                                                                              |   |
|----------------------------------------------------------------------------------------------|---|
| None.....                                                                                    | 0 |
| Other.....                                                                                   | 6 |
| Parole, post-release, supervised probation, or supervised probation after incarceration..... | 8 |

|   |  |
|---|--|
| 0 |  |
|---|--|

**Total Score** \_\_\_\_\_

If total is 18 or less, the guidelines sentence is Probation/No Incarceration.  
If total is 19 or more, go to Section C.

|  |  |
|--|--|
|  |  |
|--|--|

  
Larceny/Section A

If total is 19 or more, go to Section C.



## Section C - Proposed

### Sentence Length Recommendation

### Incarceration 1 Day or More

## Larceny Section C

### Primary Offense

Offender Name: \_\_\_\_\_

Prior Record Classification  
☐ Category I ☐ Category II ☐ Other  
(scores for attempted/conspired offenses are in parentheses)

|                                                                                                   |     |     |     |
|---------------------------------------------------------------------------------------------------|-----|-----|-----|
| A. Attempted or conspired larceny (1 count) .....                                                 | (3) | (2) | (1) |
| B. LAR-2321-F9 Bailee, fail to return animal, auto, etc. - \$1000 or more (1 count) .....         | 4   | 3   | 2   |
| C. LAR-2808-F9 Receive stolen goods - \$1000 or more (1 count) .....                              | 4   | 3   | 1   |
| D. LAR-2359-F9 Grand Larceny - \$1000 or more not from person (1 count) .....                     | 6   | 5   | 3   |
| E. LAR-2304-F9 Conspire to commit or assist in larceny w/aggregate value ≥ \$1000 (1 count) ..... | 11  | 10  | 7   |
| F. LAR-2383-F9 Larceny of firearms, regardless of value, not from person (1 count) .....          | 8   | 6   | 3   |
| G. LAR-2334-F9 Larceny of bank notes, checks, etc worth \$1000 or more (1 count) .....            | 3   | 1   | 1   |
| H. LAR-2379-F9 Conversion by fraud property titled to another \$1000 or more (1 count) .....      | 10  | 8   | 5   |
| I. LAR-2354-F9 Shoplift, alter price tags > \$1000 (1 count) .....                                | 4   | 3   | 2   |
| J. LAR-2412-F6 Unauthorized use of animal, auto, boat worth \$1000 or more (1 count) .....        | 3   | 2   | 1   |
| K. LAR-2404-F9 Grand larceny auto (1 count) .....                                                 | 8   | 7   | 4   |
| L. LAR-2381-F9 Fail to return leased personal property, \$1000 or more (1 count) .....            | 4   | 3   | 1   |
| M. LAR-2317-F5 Larceny of animals (dog, horse, pony, mule, cow etc.) (1 count) .....              | 8   | 6   | 4   |
| N. LAR-2707-F9 Embezzlement, \$1000 or more (1 count) .....                                       | 9   | 8   | 5   |
| O. LAR-2302-F9 Receive stolen goods, intent to sell - \$1000 or more (1 count) .....              | 12  | 10  | 7   |
| P. LAR-2361-F9 Grand larceny - \$5 or more from person (1 count) .....                            | 12  | 10  | 6   |
| Q. LAR-2810-F6 Receipt of transfer, vehicle, aircraft or boat (1 count) .....                     | 5   | 4   | 2   |
| R. LAR-2817-F9 Receive stolen firearm(1 count) .....                                              | 6   | 4   | 2   |
| S. LAR-2303-F5 Receive stolen goods, intent to sell - aggregate \$1000 or more (1 count) .....    | 3   | 2   | 1   |

Score

0 0 0

### Primary Offense Remaining Counts

Remaining counts: 0 ..... 0 0 0  
 1 or more ..... 1

### Additional Offenses Assign points to each additional offense (including counts) and total the points

| Primary offense: A: Attempted/Conspired<br>G: Larceny of bank notes and L: Fail to return property |        | Primary offense: All other offenses |        |
|----------------------------------------------------------------------------------------------------|--------|-------------------------------------|--------|
| Years                                                                                              | Points | Years                               | Points |
| 0 to 3 .....                                                                                       | 0      | 0 to 2 .....                        | 0      |
| 4 to 10 .....                                                                                      | 1      | 3 to 5 .....                        | 1      |
| 20 .....                                                                                           | 3      | 10 .....                            | 2      |
| 30 .....                                                                                           | 4      | 20 .....                            | 4      |
| 40, 50, Life .....                                                                                 | 6      | 30 .....                            | 6      |
|                                                                                                    |        | 40, 50, Life .....                  | 8      |

0 0 0

### Type of Additional Offense (Score if any additional offense includes the following prefix)

Other ..... 0  
 Felony with prefix of ROB or WPN ..... 5  
 Felony with prefix of ASL or MUR ..... 9

0 0 0

### Mandatory Minimum in Current Event Assign points to each additional offense with a mandatory minimum and total the points

Less than 2 Year Mandatory Minimum.....0 2 to 3 Year Mandatory Minimum.....1 5 Years or More Mandatory Minimum.....2

### Weapon Used at Time of Offense

If YES, add 4

0 0 0

### Prior Incarceration Event of 1 year or more

| Primary offense A, G and L: |   | Primary offense: All other offenses |   |
|-----------------------------|---|-------------------------------------|---|
| No .....                    | 0 | No .....                            | 0 |
| Yes .....                   | 2 | Yes .....                           | 7 |

0 0 0

### Prior Larceny Convictions/Adjudications

Number of Counts: 0 to 1 ..... 0  
 2 to 3 ..... 1  
 4 to 6 ..... 2  
 9 or more ..... 4

0 0 0

### Legally Restrained at Time of Offense

None ..... 0  
 Other ..... 3  
 Parole, post-release, supervised probation, or supervised probation after incarceration ..... 6

0 0 0

SCORE THE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS N: EMBEZZLEMENT (§ 18.2-111)

### Amount of Embezzlement

Amount: Less than \$28,000 ..... 0  
 \$28,000 or more ..... 21

0 0 0

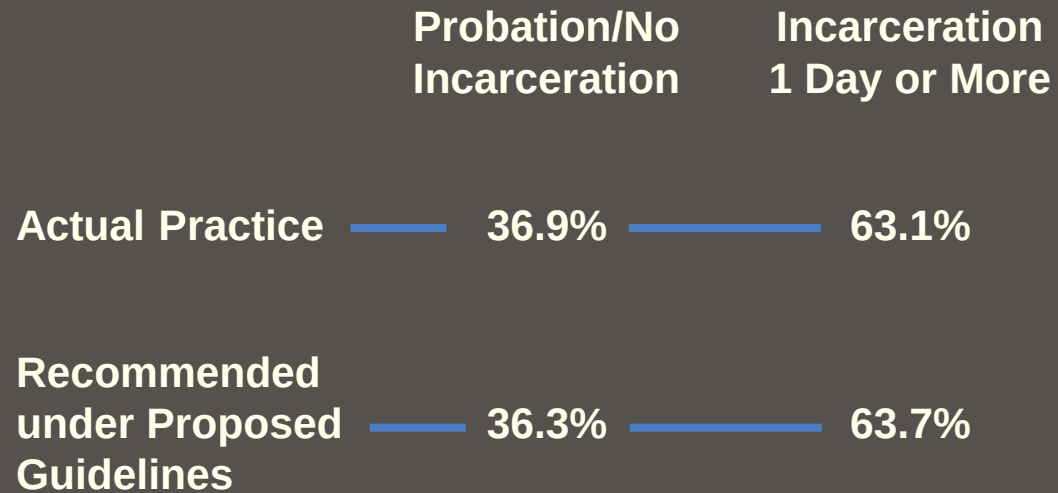
### Total Score

See Larceny Section C Recommendation Table for guidelines sentence range.  
 Then, go to Section D Nonviolent Risk Assessment and follow the instructions.

0 0 0

# LARCENY

## Proposed Section A

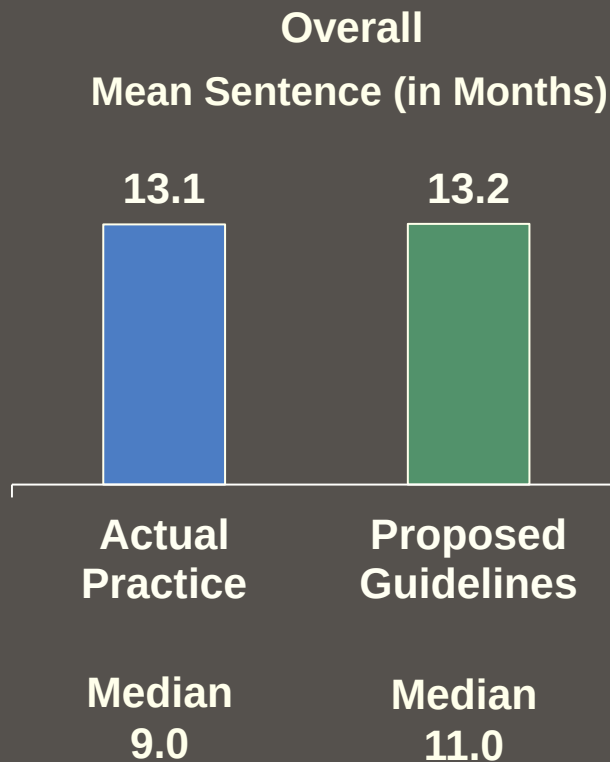


Proposed guidelines are closely aligned with the actual incarceration rates.

# LARCENY

## Proposed Section C

### Defendants Sentenced to Incarceration of 1 Day or More



| Most Serious Offense                               | Mean Sentence (in months) |                     |
|----------------------------------------------------|---------------------------|---------------------|
|                                                    | Actual Practice           | Proposed Guidelines |
| Auto theft                                         | 15.0                      | 14.6                |
| Grand larceny                                      | 12.5                      | 12.9                |
| Larceny from person, >\$5                          | 16.9                      | 16.9                |
| Larceny of firearm                                 | 20.4                      | 20.3                |
| Unauthorized use of of animal, auto, boat, >\$1000 | 7.5                       | 8.1                 |
| Embezzlement, >\$1000                              | 12.4                      | 12.9                |
| Shoplift, alter price tags, >\$1000                | 9.2                       | 9.2                 |
| Receive stolen property, >\$1000                   | 11.9                      | 11.7                |

# LARCENY

## Proposed Section C

### Defendants Sentenced to Incarceration of 1 Day or More

| Most Serious Offense                                  | Mean Sentence (in months) |                     |
|-------------------------------------------------------|---------------------------|---------------------|
|                                                       | Actual Practice           | Proposed Guidelines |
| Receipt or transfer of stolen vehicle, aircraft, boat | 8.4                       | 9.1                 |
| Receive stolen firearm                                | 8.9                       | 9.1                 |
| Sell stolen property, >\$1000 in aggregate            | 9.3                       | 9.3                 |
| Attempted or Conspired Larceny                        | 7.9                       | 7.8                 |
| Sell stolen property, >\$1000                         | 17.7                      | 17.3                |
| Bailee, fail to return animal, auto, etc., >\$1000    | 6.7                       | 6.7                 |
| Larceny of book of accounts, >\$1000                  | 11.8                      | 12.1                |
| Leased property, fail to return, >\$1000              | 5.1                       | 6.4                 |
| Larceny of animals (dogs, horses, and cows)           | 6.5                       | 6.4                 |
| Conspire to commit larceny, >\$1000 in aggregate      | 19.0                      | 19.2                |

# LARCENY

## Proposed Section C

### Offenses Dropped From Guidelines

| Offense                                                     | VCC     | Sample Size in Section C Dataset |
|-------------------------------------------------------------|---------|----------------------------------|
| Animals and poultry, <\$1000                                | LAR2318 | 0                                |
| Fraudulent entry by financial officer                       | LAR2336 | 0                                |
| Altering, defacing, removing, possessing serial no. >\$1000 | LAR2372 | 0                                |
| Theft or destruction of public record                       | LAR2373 | 0                                |
| Embezzlement by public officer                              | LAR2706 | 0                                |
| Goods on approval, fail to pay or return goods >\$1000      | LAR2380 | 0                                |
| Special commissioner, fail to account for money, >\$1000    | LAR2382 | 0                                |
| Conversion by fraud of property titled to another, >\$1000  | LAR2379 | 3                                |

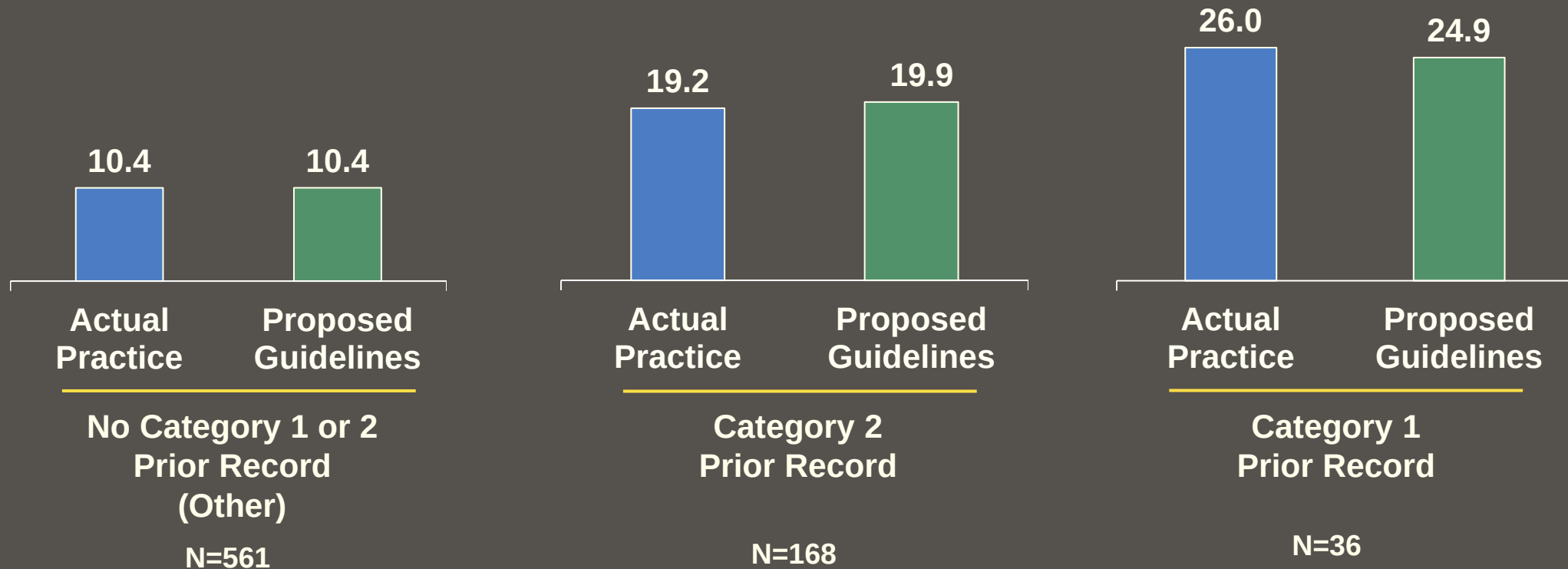


# LARCENY

## Proposed Section C

**Defendants Sentenced to Incarceration of 1 Day or More**

**Mean Sentence (in Months)  
by Prior Record Category**





## VIRGINIA CRIMINAL SENTENCING COMMISSION

### Proposed Recommendation 2:

Update Sentencing Guidelines for larceny to better reflect recent sentencing practices.

