



Testimony on Felony Theft Threshold

Kathy Fox, Ph.D.
Professor, Sociology, UVM
February 7, 2020

Statute

Title 13 : Crimes And Criminal Procedure

Chapter 057 : Larceny And Embezzlement

Subchapter 001 : Larceny

(Cite as: 13 V.S.A. § 2501)

§ 2501. Grand larceny

A person who steals from the actual or constructive possession of another, other than from his or her person, money, goods, chattels, bank notes, bonds, promissory notes, bills of exchange or other bills, orders, or certificates, or a book of accounts for or concerning money, or goods due or to become due or to be delivered, or a deed or writing containing a conveyance of land, or any other valuable contract in force, or a receipt, release or defeasance, writ, process, or public record, shall be imprisoned not more than 10 years or fined not more than \$5,000.00, or both, if the money or other property stolen exceeds **\$900.00 in value**. (Amended 1971, No. 199 (Adj. Sess.), § 15; 1981, No. 223 (Adj. Sess.), § 5; 2005, No. 156 (Adj. Sess.), § 3.)

History

- ▶ The majority of states—30 and the District of Columbia—have thresholds of \$1,000 or greater, 15 have set them at \$500 to \$950, and five have thresholds below \$500.
 - ▶ TX: \$2500
 - ▶ NJ: \$200
- ▶ Since 2000, 39 states have raised the threshold.
 - ▶ 9 states have raised it twice

<https://www.ncsl.org/documents/cj/sentencing.pdf>; PEW Charitable Trust Research, 2018

Why did states raise it?

1. Inflation

- ▶ \$900 in 2020 dollars would be \$1130*
- ▶ AK has law that it must be raised every 5 years to account for inflation

2. Collateral consequences of felony convictions

- ▶ Economic and other impacts of felony conviction
 - ▶ Reserve for most serious offenses

3. States that increased threshold experienced the **same crime decline** as states that did not

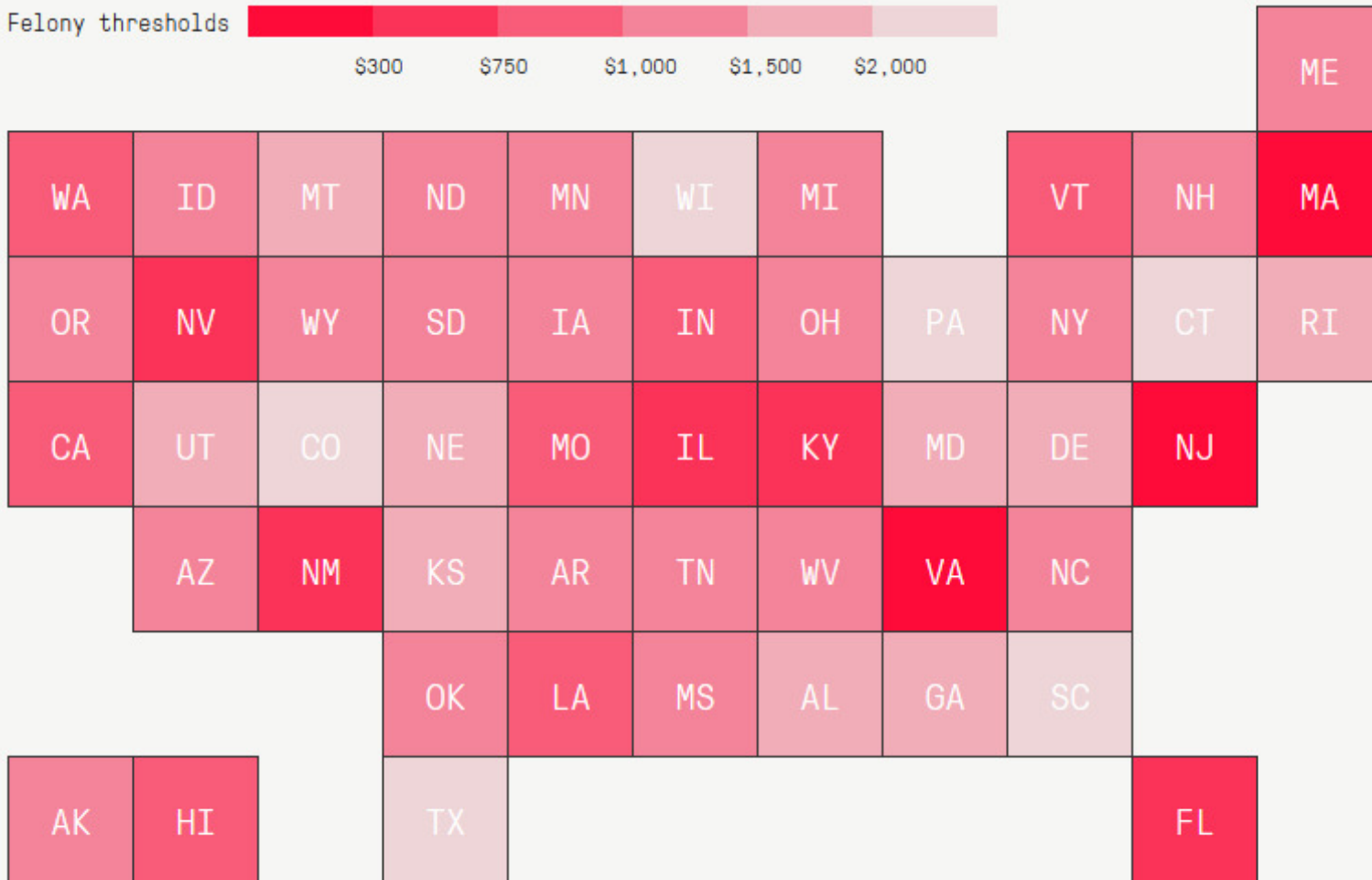
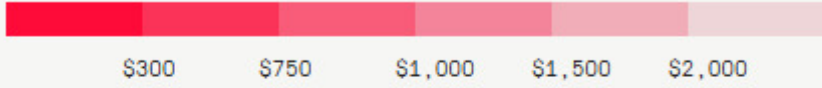
- ▶ Had no impact on rate of theft
- ▶ No impact on value of thefts

*Bureau of Labor Statistics, “CPI Inflation Calculator”
(PEW Charitable Trust, 2017)

Sample state: South Carolina

- ▶ In 2010, raised threshold from \$1k to \$2k
 - ▶ Lowered max. sentence for felony theft from 10 to 5 years
- ▶ Purpose was to lower prison admissions for theft—did it work?
 - ▶ Decreased prison admissions for theft by 15%
 - ▶ Shortened sentences by 13%
- ▶ Prison sentences=criminogenic
 - ▶ Poor return on investment

Felony thresholds

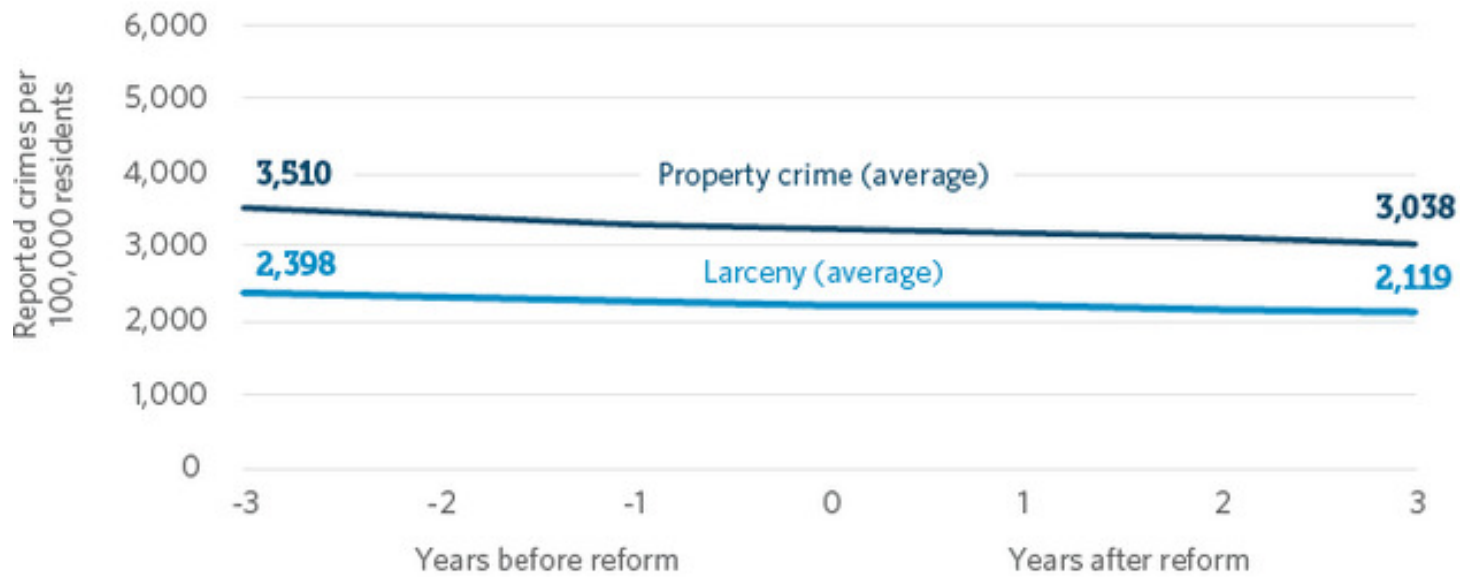


SOURCE: NATIONAL CONFERENCE OF STATE LEGISLATURES

Resistance to raising threshold?

- ▶ Retail associations
 - ▶ They believe low threshold deters theft. But does it? No!
 - ▶ Incarceration is neutral or criminogenic but does not deter*
- There is no correlation between raising felony theft thresholds and crime rates.
- States that have raised theirs have not seen an increase in theft.

(Pew Charitable Trusts 2017; Nagin, et al. 2009*)



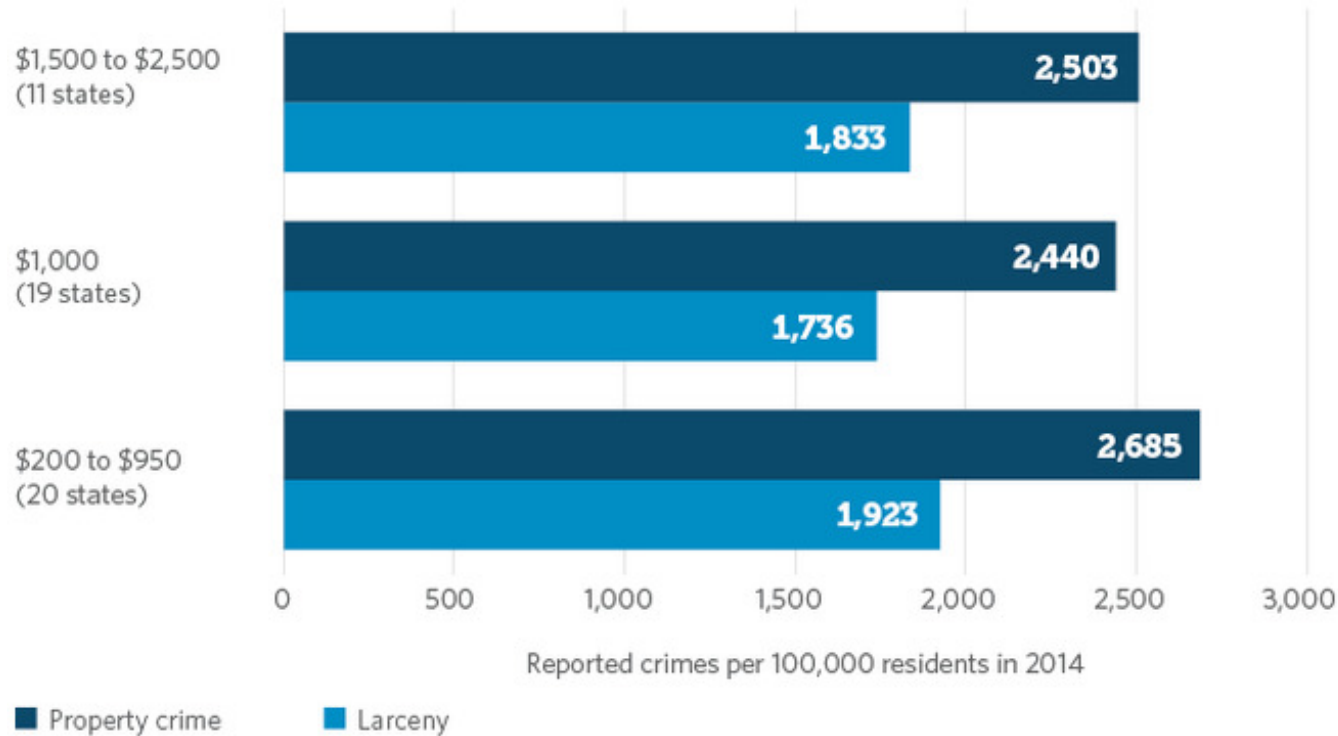
Notes: Pew used a panel fixed-effects approach to determine whether increases in state felony theft thresholds had an effect on property crime and larceny rates. The analysis found no statistically significant relationship using the standard threshold of 0.05. See the methodological notes for more information about this analysis.

Source: Pew's analysis of data from the Federal Bureau of Investigation, *Crime in the United States* series, 1998-2014.

© 2016 The Pew Charitable Trusts

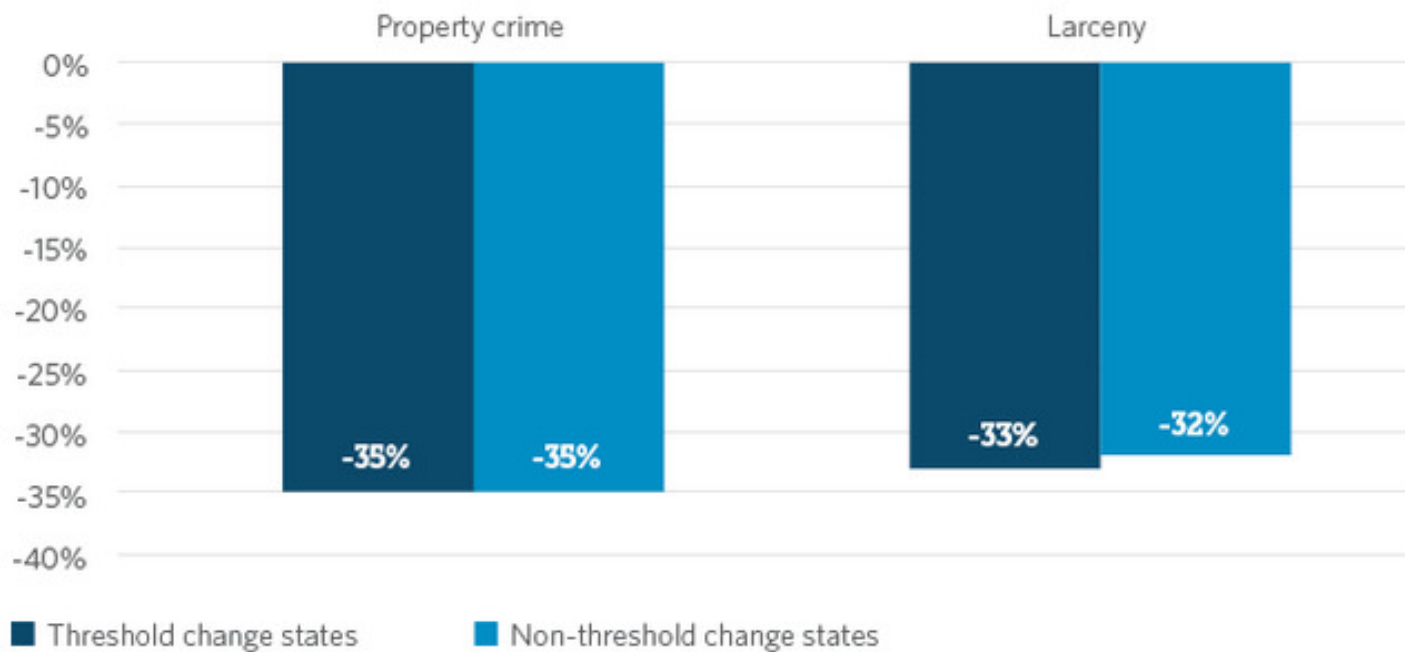
Felony Theft Values Are Unrelated to Property Crime and Larceny Rates

States report similar crime rates regardless of thresholds



States That Raised Felony Theft Thresholds Between 2001 and 2011 Had Crime Declines Similar to Those That Did Not

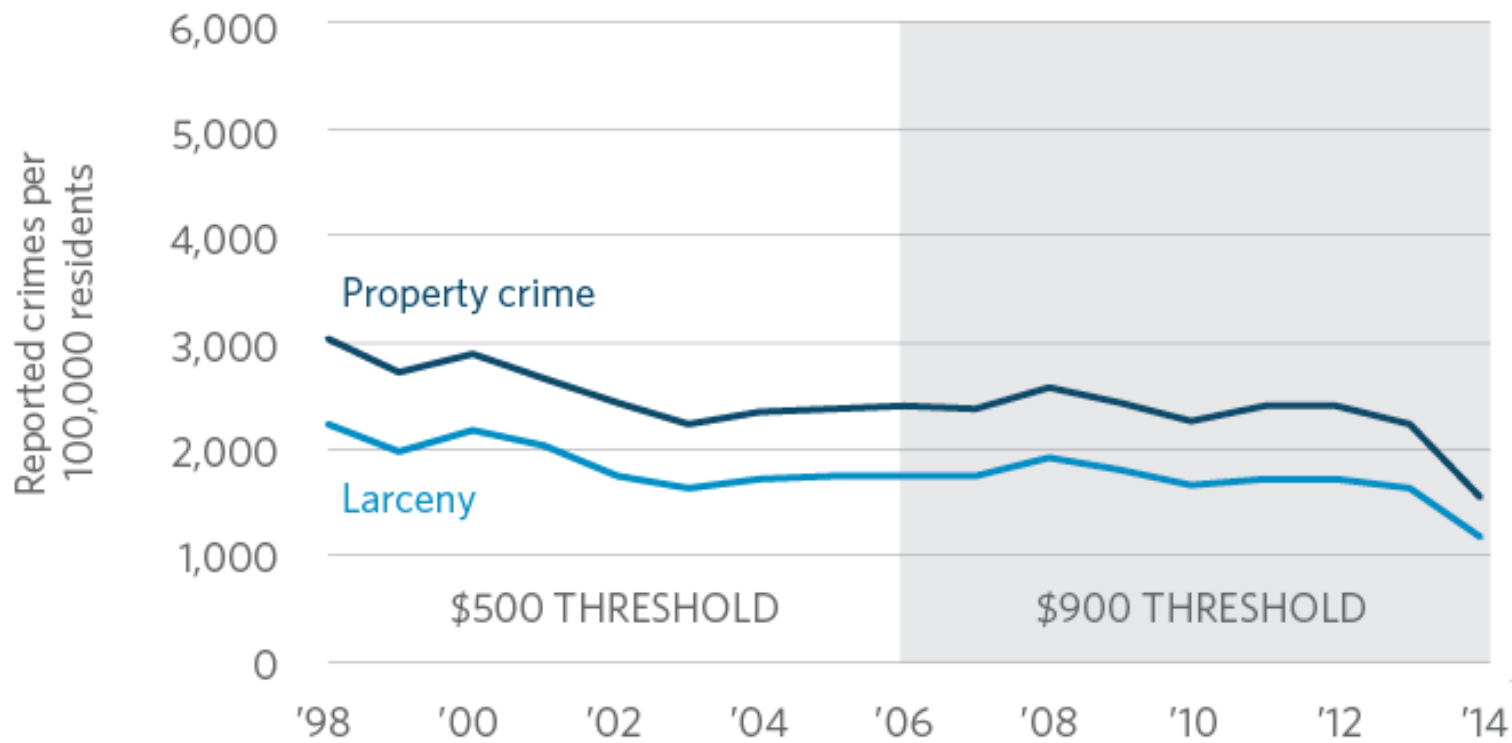
All states reported sharp decreases in property crime, larceny rates



Figures 6Z

Trends in Property Crime and Larceny Rates in the 28 States That Raised Felony Theft Thresholds Between 2001 and 2011

6Z - Vermont



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state.

Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2014

Conclusion

1. No negative impact

According to PEW:

**“States can safely raise felony thresholds
for theft offenses without disrupting
downward trends in property crime.”**

2. Cost savings realized by decreased incarceration

3. Saving serious penalties for more serious crimes



Data Driven Impacts

- ▶ 18 states require “data driven impact assessments” to consider legislation regarding cost and public safety.
- ▶ Cost-benefit analysis done for each proposal
- ▶ Data=
 - Statistics on who goes to prison and for how long
 - Recidivism rates
 - Program performance
 - Operational costs
 - Other negative or positive impacts



Sources

- ▶ The Pew Charitable Trusts, “Collateral Costs: Incarceration’s Effect on Economic Mobility” (2010), http://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs_assets/2010/collateralcosts1pdf.pdf.
- ▶ The Pew Charitable Trusts, “The Effects of Changing Felony Theft Thresholds” (2017), <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2017/04/the-effects-of-changing-felony-theft-thresholds>.
- ▶ Jennifer L. Truman and Rachel E. Morgan, “Criminal Victimization, 2015,” Bureau of Justice Statistics (2016), <https://www.bjs.gov/content/pub/pdf/cv15.pdf>.
- ▶ National Conference of State Legislatures. (2015) “Making Sense of Sentencing: State Systems & Policies.” <https://www.ncsl.org/documents/cj/sentencing.pdf>
- ▶ Daniel S. Nagin, Francis T. Cullen, and Cheryl Lero Jonson, “Imprisonment and Reoffending,” *Crime and Justice* 38 (2009): 115-200. <https://doi.org/10.1086/599202>