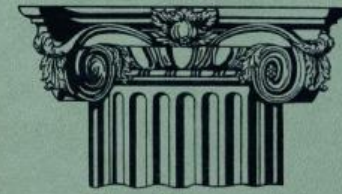


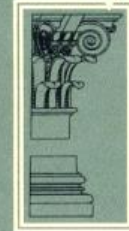


**VIRGINIA CRIMINAL
SENTENCING COMMISSION**

Assessing Recently Introduced Guidelines

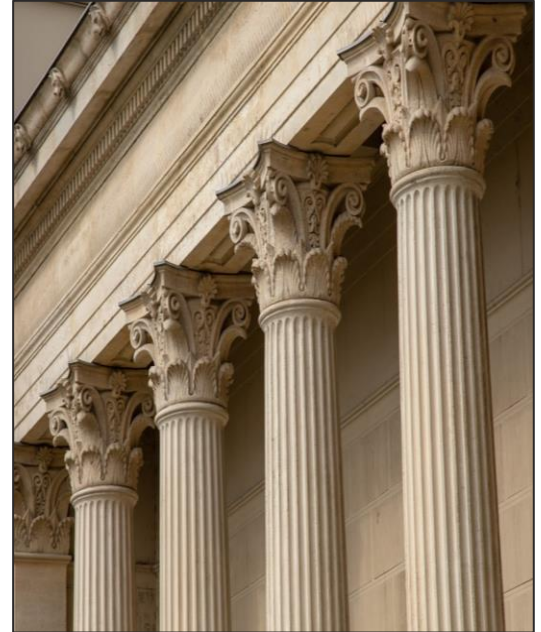


**VIRGINIA
SENTENCING
GUIDELINES**

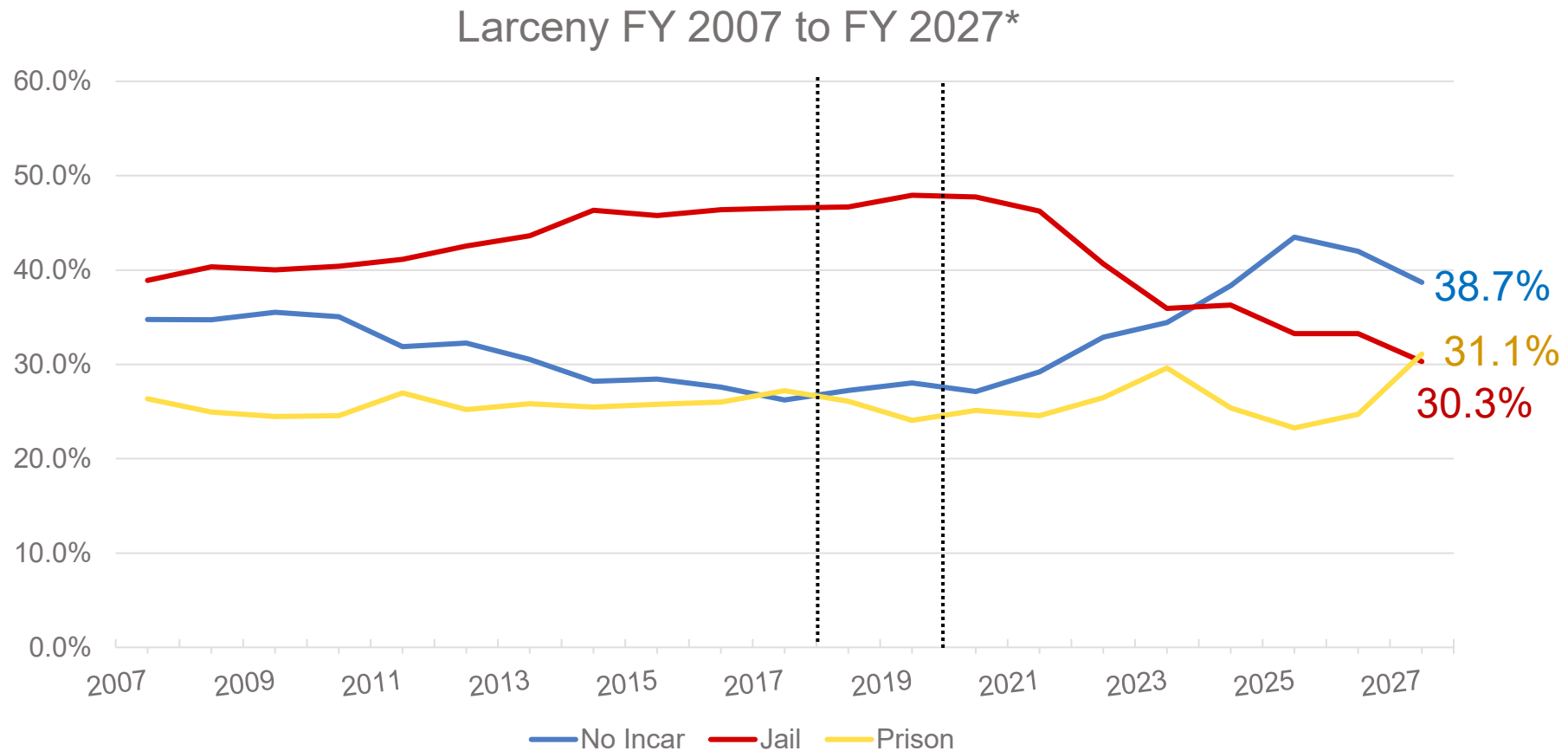


Larceny/Fraud – Introduced July 1, 2026

Questions have been raised about whether the new Larceny and Fraud Guidelines reflect historical sentencing practices.



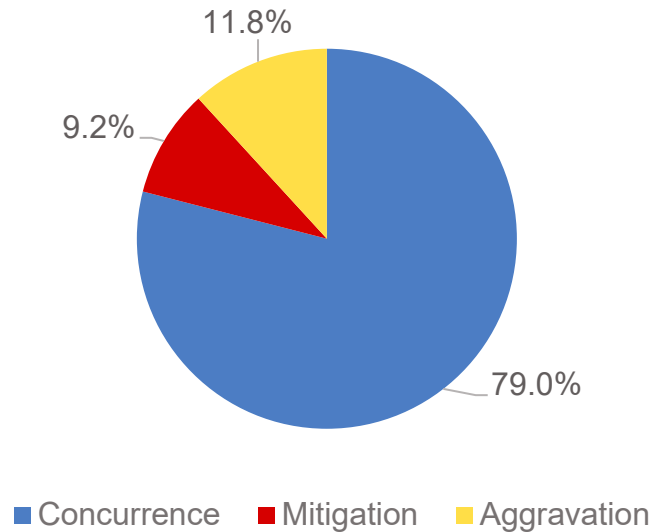
Larceny – Introduced July 1, 2026



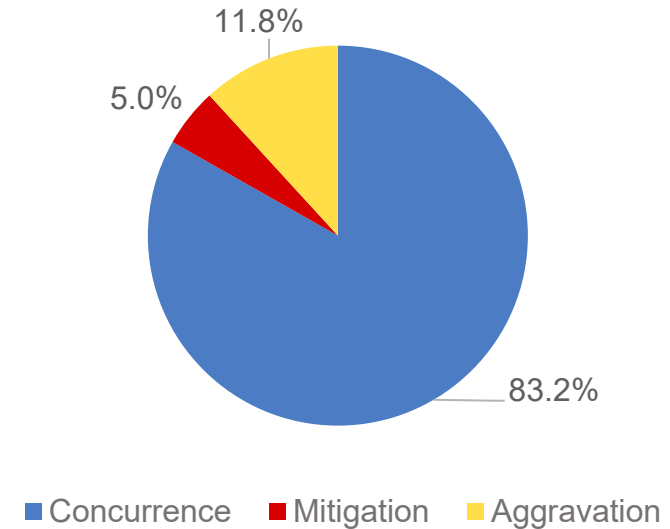
*NOTE: FY 2027 includes cases received by August 8, 2027, N=119

Larceny – Introduced July 1, 2026

Larceny FY 2027 – Revised Guidelines
General Concurrence*



Larceny FY 2027 – Revised Guidelines
Modified Concurrence*



*NOTE: FY 2027 includes cases received by August 8, 2027, N=119

FY2024-FY2025 Embezzlement Cases – Restitution by Disposition

		Documented Amount of Restitution		
Disposition	Number of Cases	Median	Minimum	Maximum
Probation	130	\$7,610	\$858	\$635,867
Jail	54	\$4,529	\$533	\$87,220
Prison	29	\$29,962	\$301	\$260,000

VCSC Meeting – April 6, 2026: Proposal to Conduct a Supplemental Study on Embezzlement

Larceny Section A

Offender Name: _____

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

A. Attempted or conspired larceny (1 count).....	(1)
B. Statutory maximum penalty equals 5 years	
1 count.....	1
2 counts.....	4
3 counts.....	6
C. Statutory maximum penalty equals 10 years (1 count).....	3
D. Grand larceny auto	
1 count.....	5
2 counts.....	7
3 counts.....	10
E. Grand larceny from person or conspire to commit or assist in larceny with an aggregate value over \$1,000	
1 count.....	4
2 counts.....	11
F. Grand larceny of a firearm (1 count).....	1
G. Failure of bailee to return animal, aircraft, vehicle or boat (1 count).....	4
H. Larceny of bank notes, checks or any book of accounts; Any other larceny offense with maximum penalty of 20 years	
1 count.....	2
2 - 3 counts.....	4
4 counts.....	6

Score **2**

◆ **Primary Offense Remaining Counts** Total the maximum penalties for counts of the primary not scored above

Years: 5 - 11.....	1	34 - 44.....	4
12 - 22.....	2	45 or more.....	5
23 - 33.....	3		

0

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

Years: Less than 1.....	0	23 - 33.....	3
(12 Months = 1 year) 1 - 11.....	1	34 - 44.....	4
12 - 22.....	2	45 or more.....	5

0

◆ **Prior Convictions/Adjudications** Total the maximum penalties for the 5 most recent and serious prior record events

Years: Less than 2.....	0	21 - 36.....	3
2 - 11.....	1	37 or more.....	4
12 - 20.....	2		

0

◆ **Prior Felony Larceny Convictions/Adjudications**

Number of Counts: 1.....	2
2 - 3.....	3
4 or more.....	4

0

◆ **Other Prior Felony Property Convictions/Adjudications**

Number of Counts: 1 - 4.....	1
5 or more.....	2

0

◆ **Prior Felony Convictions/Adjudications Against Person**

Number of Counts: 1.....	1
2 or more.....	2

0

◆ **Prior Misdemeanor Convictions/Adjudications (Excludes Traffic)**

Number of Counts: 1 - 4.....	1
5 - 8.....	2
9 or more.....	3

0

◆ **Prior Incarcerations/Commitments** If YES, add 5 → 0

◆ **Prior Juvenile Record** If YES, add 1 → 0

◆ **Legally Restrained at Time of Offense**

None.....	0
Other, supervised probation.....	1
Parole, post-release, supervised probation after incarceration.....	2

0

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

◆ **Amount of Embezzlement**

Amount: Less than \$10,000.....	84.1%	Concurrence.....	0
\$10,000-\$19,999.....	9.1%	Mitigation.....	3
\$20,000-\$74,999.....	6.8%	Aggravation.....	6
\$75,000-\$119,999.....			9
\$120,000 or more.....			14

Total Score **14**

If total is 15 or less, go to Section B. If total is 16 or more, go to Section C.

Between FY21-25, 44 Cases or 4.4% of 1,006 Embezzlement Cases Received 14 Points

Larceny Section C

Offender Name: _____

◆ **Primary Offense** Prior Record Classification

	☐ Category I	☐ Category II	☐ Other
(scores for attempted/conspired offenses are in parentheses)			
A. Attempted or conspired larceny (1 count).....	(8)	(4)	(2)
B. Statutory maximum penalty equals 5 or 10 years			
1 count.....	20	10	5
2 counts.....	28	14	7
3 counts.....	40	20	10
C. Grand larceny auto			
1 count.....	32	16	8
2 - 3 counts.....	56	28	14
4 counts.....	72	36	18
D. Grand larceny from person or conspire to commit or assist in larceny with an aggregate value over \$1,000			
1 count.....	40	20	10
2 counts.....	56	28	14
3 counts.....	68	34	17
E. Grand larceny of a firearm (1 count).....	68	34	17
F. Failure of bailee to return animal, aircraft, vehicle or boat (1 count).....	28	14	7
G. Larceny of bank notes, checks, etc. or any book of accounts			
1 - 2 counts.....	32	16	8
3 counts.....	48	24	12
H. Any other larceny offense with a maximum penalty of 20 years			
1 count.....	28	14	7
2 counts.....	44	22	11
3 counts.....	56	28	14

Score **0**

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

Maximum Penalty: 5, 10.....	1
(years) 20.....	2

0

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

Maximum Penalty: Less than 5.....	0
(years) 5, 10, 15.....	1
20.....	2
30.....	3
40, 50, Life.....	5

0

◆ **Prior Convictions/Adjudications** Assign points to the 5 most recent and serious prior record events and total the points

Maximum Penalty: Less than 10.....	0
(years) 10, 15, 20.....	1
30.....	2
40, 50, Life.....	3

0

◆ **Prior Felony Larceny Convictions/Adjudications**

Number of Counts: 1.....	1
2.....	2
3.....	3
4 or more.....	4

00

◆ **Other Prior Felony Property Convictions/Adjudications**

Number of Counts: 1.....	0
2 - 3.....	1
4 or more.....	2

00

◆ **Prior Felony Convictions/Adjudications Against Person**

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

00

◆ **Prior Felony Drug Convictions/Adjudications**

Number of Counts: 1 - 2.....	1
3.....	2
4 or more.....	3

00

◆ **Prior Juvenile Record** If YES, add 3 → 00

◆ **Legally Restrained at Time of Offense**

None.....	0
Other, supervised probation.....	3
Parole, post-release, supervised probation after incarceration.....	4

00

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

◆ **Amount of Embezzlement**

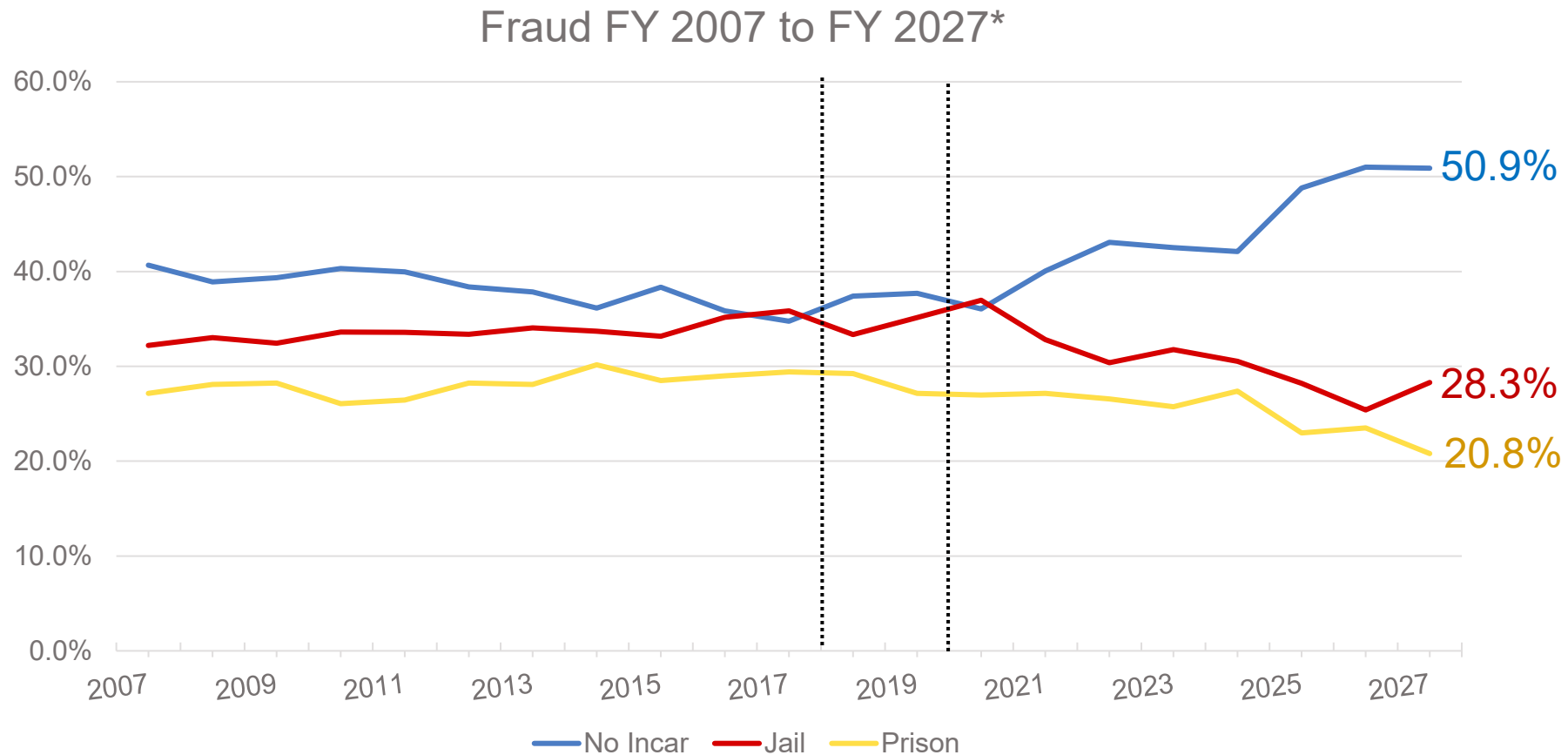
Amount: Less than \$28,000.....	79.1%	Concurrence.....	0
\$28,000 - \$89,999.....	5.4%	Mitigation.....	24
\$90,000 or more.....	5.5%	Aggravation.....	30

Total Score **24**

If total is 15 or less, go to Section B. If total is 16 or more, go to Section C.

Between FY21-25, 91 Cases or 9.0% of 1,006 Embezzlement Cases Received 24 or 30 Points

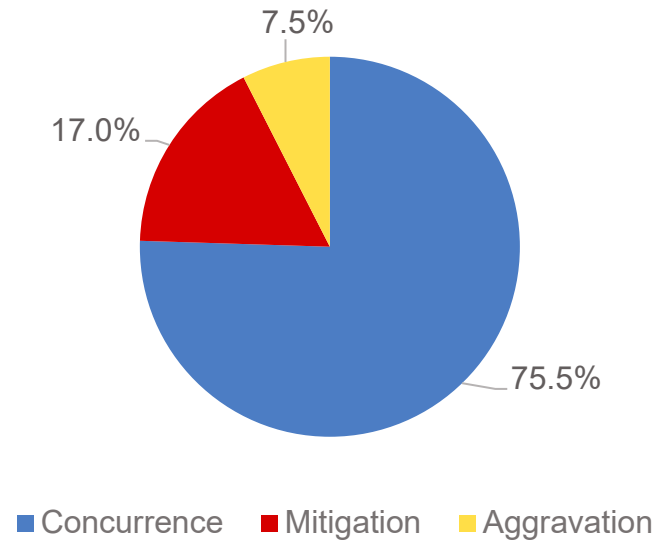
Fraud – Introduced July 1, 2026



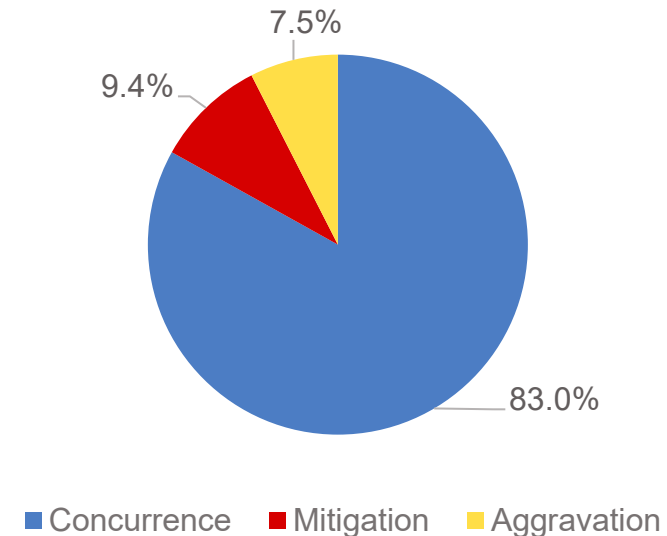
*NOTE: FY 2027 includes cases received by August 8, 2027, N=53

Fraud – Introduced July 1, 2026

Fraud FY 2027 – Revised Guidelines
General Concurrence*



Fraud FY 2027 – Revised Guidelines
Modified Concurrence*



*NOTE: FY 2027 includes cases received by August 8, 2027, N=53

Larceny/Fraud – Introduced July 1, 2026



Sentencing Guidelines Case Details Worksheet

1. Defendant's Name: T. _____

2. Defendant Information: Gender: N/A Race: N/A
Ethnicity: N/A Age: _____ Physical Disability: ☐ No ☐ Yes ☐ N/A
☐ Intellectual Disability ☐ Autism Spectrum Disorder ☐ Unknown

3. Type of Counsel: ☐ Retained ☐ Court Appointed ☐ Public Defender ☐ Other ☐ Unknown

4. Pretrial Status: ☐ Secured Bond ☐ Unsecured Bond ☐ Own Recognizance ☐ Confinement ☐ Third Party Release ☐ Unknown

5. Pretrial Supervision by Pretrial Services Agency: ☐ No ☐ Yes ☐ Yes, ordered but did not complete/attend ☐ Unknown

6. Posttrial Status: ☐ Secured Bond ☐ Unsecured Bond ☐ Own Recognizance ☐ Confinement ☐ Third Party Release ☐ Unknown

7. Source of Bond: ☐ Personal ☐ Family ☐ Other ☐ Bonding Company ☐ N/A ☐ Unknown

8. Total Time Served Prior to Sentencing: Years _____ Months _____ Days _____ ☐ N/A

9. Number of Codefendants: _____

10. Legal Status at Offense (check all that apply):
☐ Escaped ☐ Inmate ☐ Mandatory Parole ☐ Discretionary Parole ☐ None
☐ Geriatric Release - § 53.1-40.01 ☐ Post Release - §19.2-295.2 ☐ Probation ☐ Good Behavior Bond ☐ Unknown
☐ Recognizance ☐ Community Program ☐ Pre-Trial Supervision ☐ Other _____
☐ Juvenile Probation ☐ Juvenile Parole ☐ Summons

11. Weapon Use: ☐ None ☐ Possessed ☐ Used to Injure ☐ Used to Threaten (by voice, note, text, etc.) ☐ Unknown

12. Weapon Type: ☐ Firearm ☐ Knife ☐ Explosive ☐ Simulated/Faigned Weapon ☐ Blunt Object
☐ Note/Verbal ☐ Vehicle ☐ Animal ☐ Other ☐ N/A

13. Offender's Role: ☐ Alone ☐ Leader ☐ Accomplice ☐ Police Officer/LEO ☐ Not Determined ☐ Unknown

14. Value of Property Taken/Damaged: Highest value for one item \$ _____ Total value of all items \$ _____ ☐ N/A

15. Location: ☐ Bank ☐ Business ☐ Residence ☐ Street/Outside ☐ Automobile ☐ Other _____ ☐ N/A

16. Injury to Victim: ☐ Death ☐ Life Threatening ☐ Serious Physical ☐ Physical
☐ Emotional ☐ Threatened ☐ None ☐ N/A

17. Victim Relationship to Offender: ☐ None/Stranger ☐ Known ☐ Friend ☐ N/A
☐ Family ☐ Police Officer/LEO ☐ Other

18. Victim Information: Gender: N/A Race: N/A
Ethnicity: N/A Age: _____ Physical Disability: ☐ No ☐ Yes ☐ N/A
☐ Intellectual Disability ☐ Autism Spectrum Disorder ☐ Unknown

19. Type of Primary Drug: _____ ☐ N/A Quantity: _____ Unit: _____

20. Number of Felony Juvenile Adjudications: Person _____ Property _____ Drug _____ Other _____ ☐ None ☐ Unknown

21. ☐ A conviction in the current sentencing event stemmed from a violation of a specialty docket program.

Complete the Case Details Worksheet when other factors may affect charging or sentencing decisions.

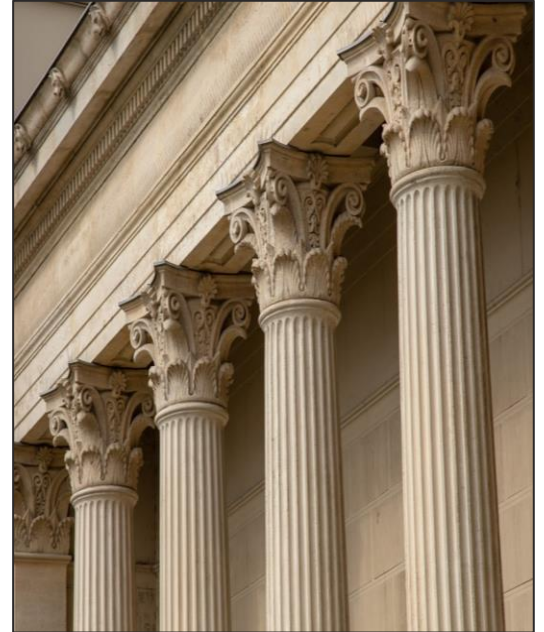
Missing Property Details

Fiscal Year	Larceny	Fraud
2022	61.0%	69.3%
2023	68.4%	75.7%
2024	63.3%	67.8%
2025	63.7%	72.8%



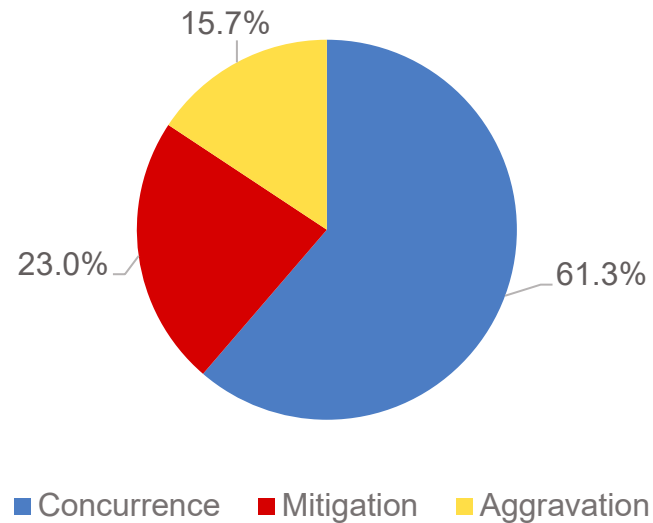
Robbery – Introduced July 1, 2025

Assessing the Impact of Guidelines on Robbery Charging and Sentencing Patterns

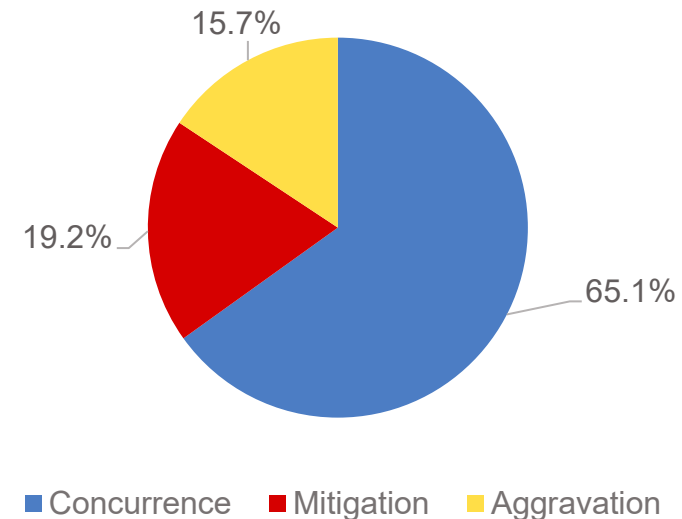


Robbery – Introduced July 1, 2025

Robbery FY 2026 – Revised Guidelines
General Concurrence*



Robbery FY 2026 – Revised Guidelines
Modified Concurrence*



*NOTE: FY 2026 includes cases received by August 8, 2027, N=261

Robbery– Introduced July 1, 2025

Robbery – Section A Offender Name: _____

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

A. Attempted or conspired robbery without a firearm (1 count)	(1)
B. Attempted or conspired robbery with a firearm (1 count)	(2)
C. Robbery by threat etc., no deadly weapon (1 count)	5
D. Robbery by using physical force, no serious bodily injury (1 count)	5
E. Carjacking without a firearm or simulated firearm (1 count)	6
F. Robbery by using or displaying other deadly weapon (not firearm) (1 count)	6
G. Robbery by using firearm or displaying a firearm (1 count)	6
H. Carjacking with a firearm or simulated firearm (1 count)	6
I. Robbery with serious injury (1 count)	8
J. Robbery resulting in death (1 count)	8

Score

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

Years: Less than 2	0
(12 months = 1 year) 2 - 4	4
5 - 9	9
10 or more	13

◆ **Conviction in Current Event Requiring Mandatory Minimum Term** _____ If YES, add 9 →

◆ **Victim Injury** _____

None, threatened, or emotional	0
Physical	3
Serious physical	6
Life threatening	6
Death	9

◆ **Prior Convictions/Adjudications (excluding Probation Violations)** _____

Number: 0 Felonies: 0 Misdemeanors	0
1 Misdemeanor	1
2+ Misdemeanors	2
1 Felony: 0 Misdemeanors	3
1 Misdemeanor	4
2+ Misdemeanors	5
2+ Felonies: 0 Misdemeanors	6
1 Misdemeanor	7
2+ Misdemeanors	8

◆ **Legally Restrained at Time of Offense** _____

None	0
Other	4
Supervised probation	4
Parole, post-release, supervised probation after incarceration	8

Total Score

If total is 5 or less, the guidelines sentence is Probation/No Incarceration
If total is 6 or more, go to Section C. Robbery Section A

Of 27 cases recommended for no incarceration, 17 (63%) resulted in a period of incarceration.

Case Detail Worksheet:

Missing descriptions of the injury, location, and weapon.



Robbery– Introduced July 1, 2025



Worksheet A: Factors for Further Exploration

1. **Weapon Use** in cases reduced to Class 6 Robbery
2. **Other Relevant Conduct** that may be important to the court but is not captured by the charged offense



Worksheet C: Factors for Further Exploration

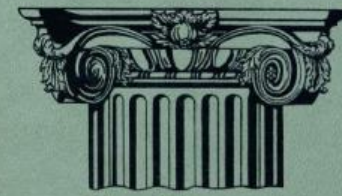
1. **Injury Points** assigned in the guidelines
2. **Location of the Offense** (residence, business, or bank)





VIRGINIA CRIMINAL SENTENCING COMMISSION

Next Steps: Continuously monitor the use of the Guidelines and track changes in charging and sentencing patterns.



VIRGINIA
SENTENCING
GUIDELINES

