



The Effects of Changing State Theft Penalties

Increased felony thresholds have not resulted in higher property crime or larceny rates

The Pew Charitable Trusts

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Overview

Since 2001, at least 35 states have raised their felony theft thresholds, or the value of stolen money or goods above which prosecutors may charge theft offenses as felonies, rather than misdemeanors.¹ Felony offenses typically carry a penalty of at least a year in state prison, while misdemeanors generally result in probation or less than a year in a locally run jail. Lawmakers have made these changes to prioritize costly prison space for more serious offenders and ensure that value-based penalties take inflation into account. A felony theft threshold of \$1,000 established in 1985, for example, is equivalent to more than twice that much in 2015 dollars.²

Critics have warned that these higher cutoff points might embolden offenders and cause property crime, particularly larceny, to rise.³ To determine whether their concerns have proved to be true, The Pew Charitable Trusts examined crime trends in the 28 states that raised their felony theft thresholds between 2001 and 2011, a period that allows analysis of each jurisdiction from three years before to three years after the policy change. Pew also compared trends in states that raised their thresholds during this period with those that did not.

This chartbook illustrates three important conclusions from the analysis:

- Raising the felony theft threshold has no impact on overall property crime or larceny rates.
- States that increased their thresholds reported roughly the same average decrease in crime as the 22 states that did not change their theft laws.
- The amount of a state's felony theft threshold—whether it is \$500, \$1,000, \$2,000, or more—is not correlated with its property crime and larceny rates.

Figure 1

At Least 35 States Have Raised Felony Theft Thresholds Since 2001

Higher sums are designed to take inflation into account

Year of change	State	Previous threshold	Enacted threshold	Legislation
2001	Oklahoma	\$50	\$500	S.B. 397
2002	Missouri	\$150	\$500	H.B. 1888
2003	Alabama	\$250	\$500	H.B. 491
	Mississippi	\$250	\$500	H.B. 1121
2004	Kansas	\$500	\$1,000	H.B. 2271
	Wyoming	\$500	\$1,000	S.F. 66
2005	South Dakota	\$500	\$1,000	S.B. 43
2006	Arizona	\$250	\$1,000	H.B. 2581
	New Mexico	\$250	\$500	H.B. 80
	Vermont	\$500	\$900	S.B. 265
2007	Colorado	\$500	\$1,000	S.B. 260
	Minnesota	\$500	\$1,000	H.F. 829
2009	Connecticut	\$1,000	\$2,000	H.B. 6576
	Delaware	\$1,000	\$1,500	H.B. 113
	Kentucky	\$300	\$500	H.B. 369
	Louisiana	\$300	\$500	H.B. 555
	Maryland	\$500	\$1,000	H.B. 66
	Montana	\$1,000	\$1,500	S.B. 476
	Oregon	\$750	\$1,000	H.B. 2323
	Washington	\$250	\$750	S.B. 6167

Since 2001, at least 35 states have raised their felony theft thresholds, including five that did so twice.⁴ In terms of percentage, Oklahoma’s tenfold increase, from \$50 to \$500 in 2001, was the largest in the nation.

Continued on the next page

Year of change	State	Previous threshold	Enacted threshold	Legislation
2010	California	\$400	\$950	A.B. 2372
	Illinois	\$300	\$500	S.B. 3797
	New Hampshire	\$500	\$1,000	S.B. 205
	South Carolina	\$1,000	\$2,000	S.B. 1154
	Utah	\$1,000	\$1,500	S.B. 10
2011	Arkansas	\$500	\$1,000	S.B. 570
	Nevada	\$250	\$650	A.B. 142
	Ohio	\$500	\$1,000	H.B. 86
2012	Georgia	\$500	\$1,500	H.B. 1176
	Rhode Island	\$500	\$1,500	H.B. 7176A
2013	Colorado	\$1,000	\$2,000	H.B. 1160
	Indiana	any amount	\$750	H.B. 1006
	North Dakota	\$500	\$1,000	S.B. 2251
2014	Alaska	\$500	\$750	S.B. 64
	Louisiana	\$500	\$750	H.B. 791
	Mississippi	\$500	\$1,000	H.B. 585
	Missouri	\$500	\$750	S.B. 491
2015	Alabama	\$500	\$1,500	S.B. 67
	Nebraska	\$500	\$1,500	L.B. 605
	Texas	\$1,500	\$2,500	H.B. 1396

Note: The District of Columbia raised its felony theft threshold in 2010 but is not included in this report because its crime data are not directly comparable with state crime statistics.

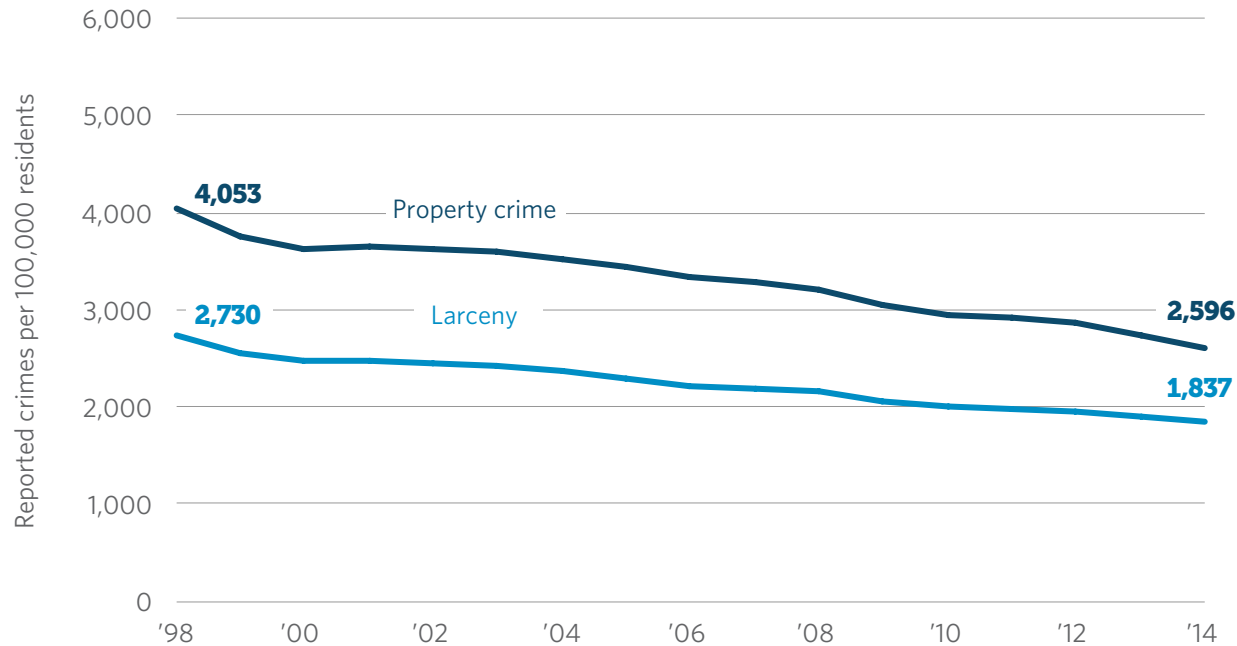
Source: Pew's analysis of legislative information from the National Conference of State Legislatures

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Figure 2

U.S. Property Crime and Larceny Rates Have Fallen by a Third

Improved policing and anticrime technology cited among reasons for decline



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

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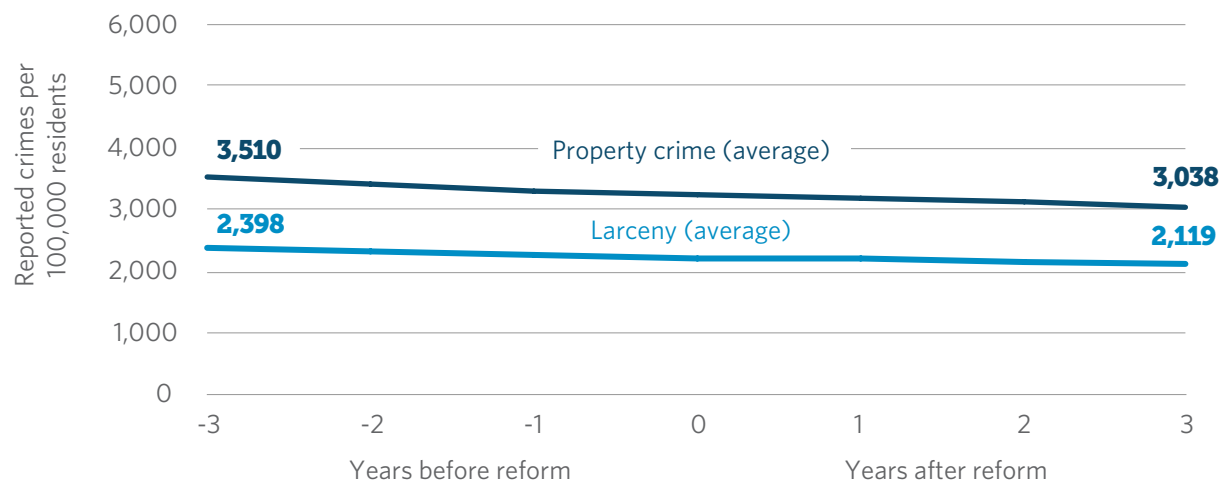
Changes in state felony theft thresholds have not interrupted the long nationwide decline in property crime and larceny rates that began in the early 1990s. The U.S. property crime rate fell 36 percent from 1998—three years before Oklahoma enacted the first of the state threshold hikes included in this analysis—to 2014, the most recent year for which data are available.⁵ The U.S. larceny rate fell 33 percent during that span.⁶

Experts attribute the nation's sustained drop in violent and property crime rates to a host of factors, including better policing; the increased incarceration of certain repeat offenders; an expansion in private security personnel; an aging population that is less prone to criminal behavior; and technological advances, such as the widespread use of surveillance cameras, car- and home-alarm systems, and digital transactions that have reduced the need for cash.⁷

Figure 3

Increases in Felony Theft Thresholds Had No Effect on Property Crime, Larceny Rates

Crime decline continued in states that raised monetary limits between 2001 and 2011



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.

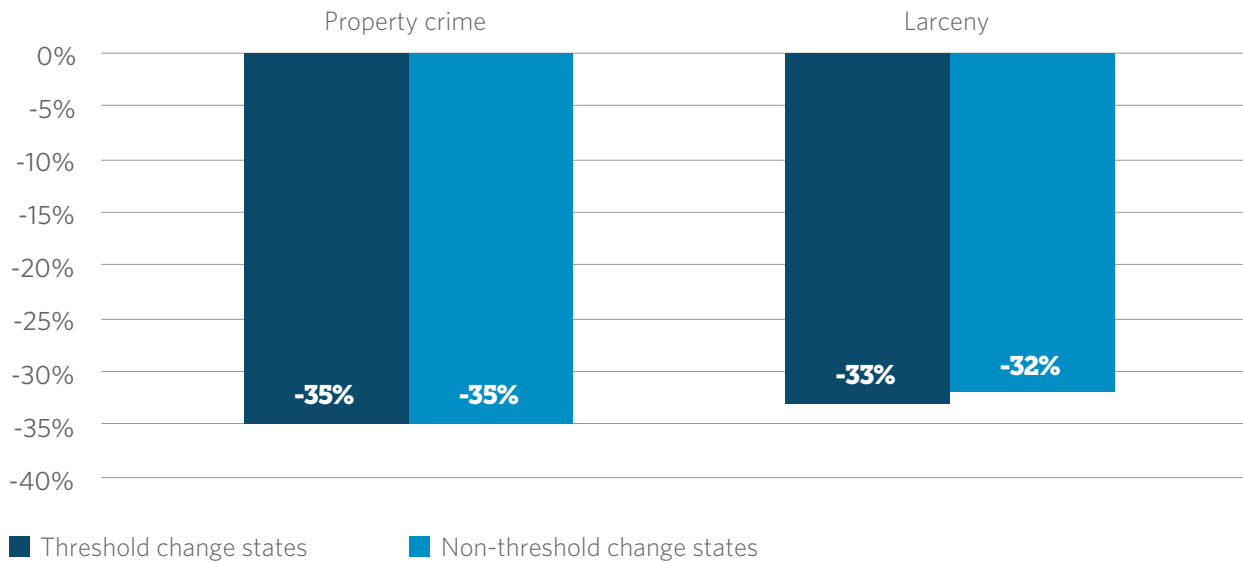
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Because property crime and larceny rates have been on a downward trajectory nationwide, it is important to evaluate whether the same trend can be observed in states that have raised their felony theft thresholds. Average property crime and larceny rates continued to fall in the states that raised their thresholds between 2001 and 2011.

Figure 4

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



When comparing the 28 states that raised their felony theft thresholds between 2001 and 2011 with the 22 that did not, property crime rate declines were virtually identical, while larceny rates fell slightly more in the former group, although the difference was not statistically significant.

Notes: Pew evaluated data from 1998 to 2014 to allow for a sufficient before-and-after analysis of all state threshold changes between 2001 and 2011. Pew used a panel random-effects approach to measure changes in property crime and larceny rates and compare states that raised their felony theft thresholds with those that did not. The analysis found no statistically significant relationship between the two groups of states using the standard threshold of 0.05. See the methodological notes for more information about this analysis.

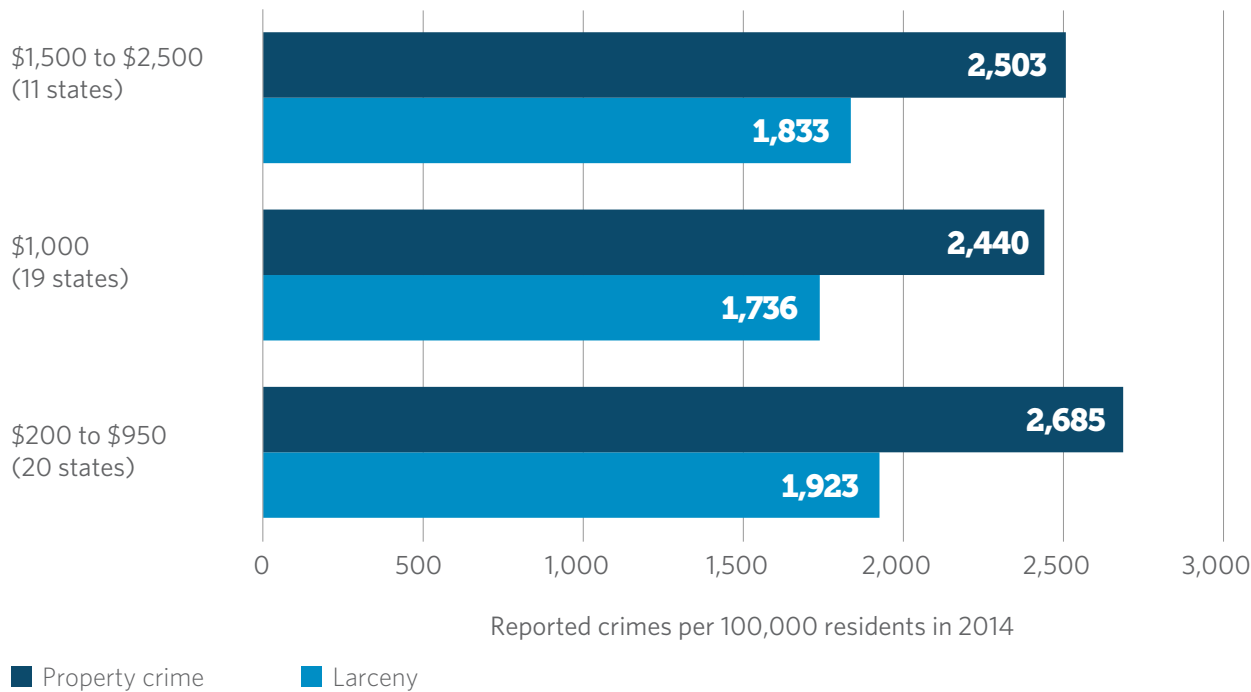
Source: Pew's analysis of data from the Federal Bureau of Investigation, *Crime in the United States* series, 1998-2014

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Figure 5

Felony Theft Values Are Unrelated to Property Crime and Larceny Rates

States report similar crime rates regardless of thresholds



The value of states' felony theft thresholds—whether set at \$500, \$1,000, or \$2,000—is not correlated with property crime and larceny rates. Florida, for example, treats theft as a felony if the value of stolen money or goods exceeds \$300, but its property crime and larceny rates are considerably higher than those in Pennsylvania, where the threshold is \$2,000.

Notes: Pew conducted a linear correlation test to determine whether property crime and larceny rates in 2014 were higher in states with higher felony theft thresholds. The analysis included no control variables and found no statistically significant correlation using the standard threshold of 0.05.

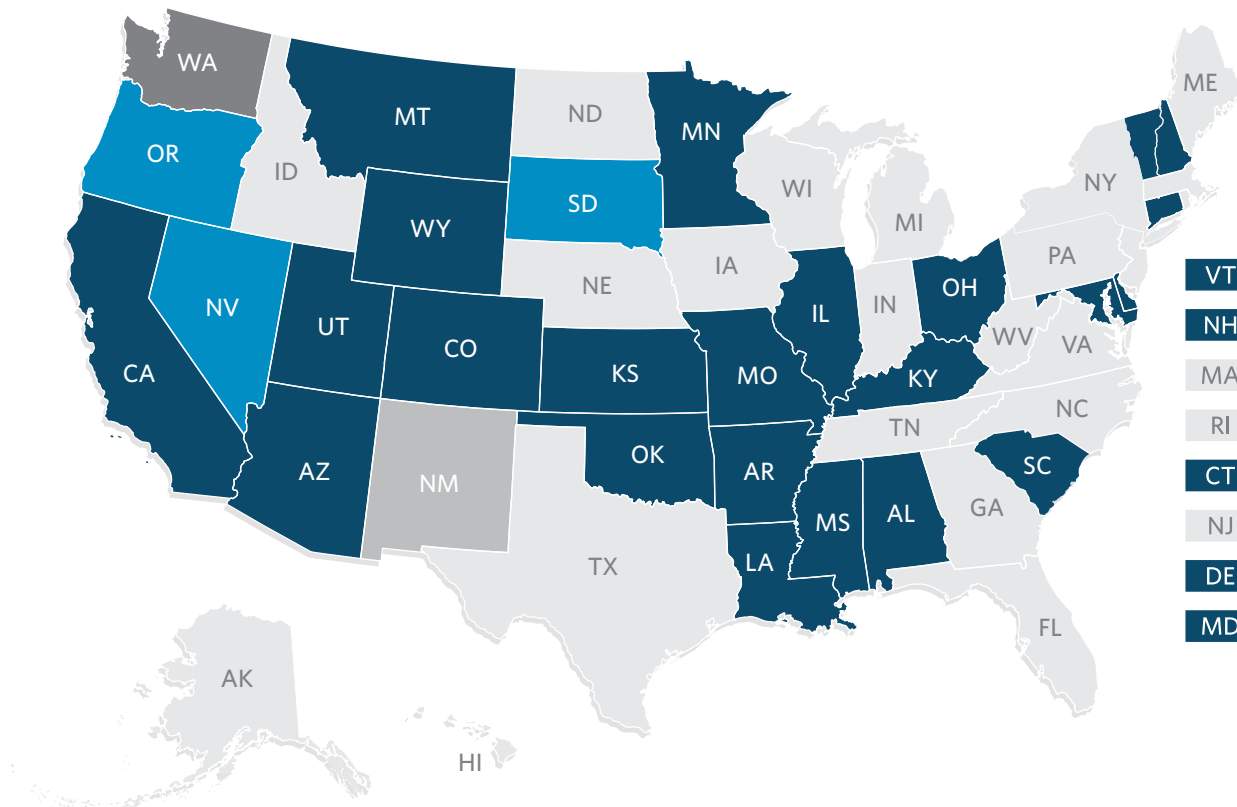
Source: Pew's analysis of data from the Federal Bureau of Investigation, *Crime in the United States*, 2014

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Map 1

Property Crime and Larceny Rates Fell in 23 of 28 States That Raised Their Felony Thresholds Between 2001 and 2011

Five states had increases in one or both rates



An examination of long-term trends in property crime and larceny rates shows year-over-year fluctuations within many of the 28 states that raised their felony theft thresholds between 2001 and 2011. Nevertheless, for all but five of the 28 states—Nevada, New Mexico, Oregon, South Dakota, and Washington—property crime and larceny rates were lower in 2014 than in the year in which each state raised its threshold.⁸

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

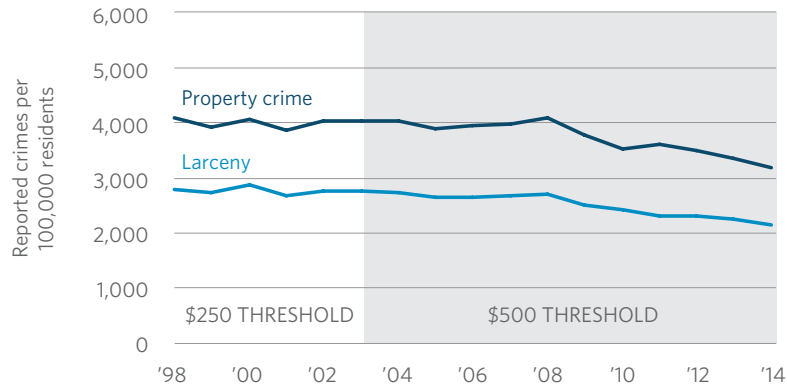
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- No threshold change
- Decreases in property crime and larceny rates (23 states)
- Increases in property crime and larceny rates (NV, OR, SD)
- Increase in property crime rate, decrease in larceny rate (WA)
- Decrease in property crime rate, increase in larceny rate (NM)

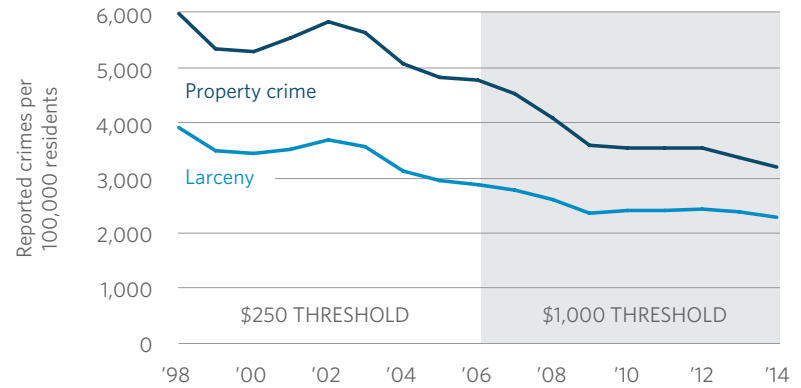
Figures 6A-D

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

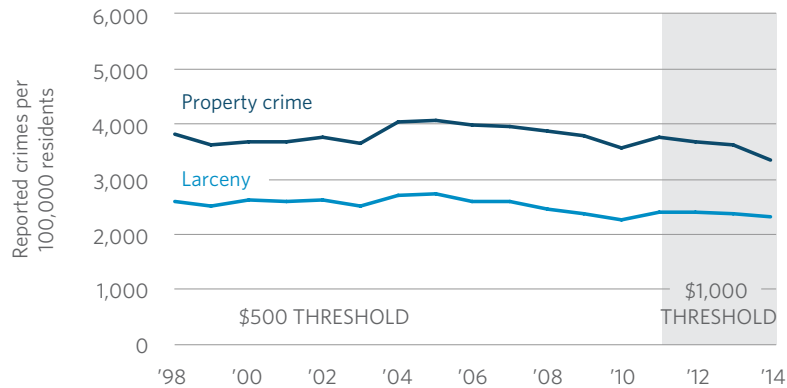
6A - Alabama



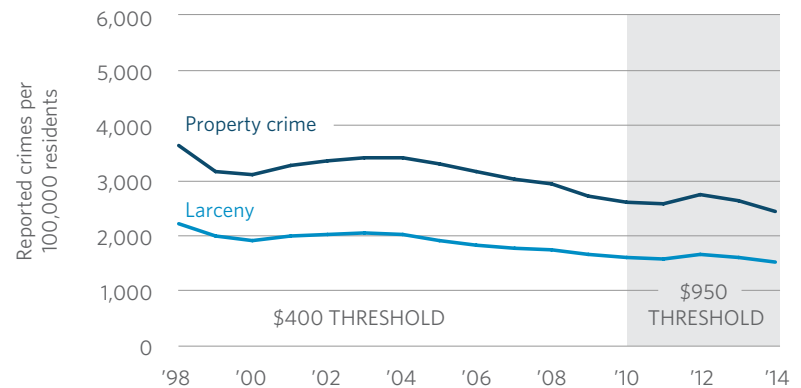
6B - Arizona



6C - Arkansas



6D - California



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state. Alabama's felony theft threshold also increased in 2015 from \$500 to \$1,500.

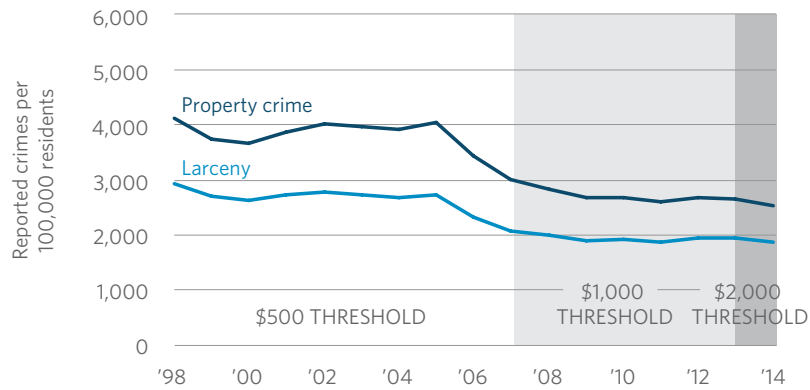
Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2014

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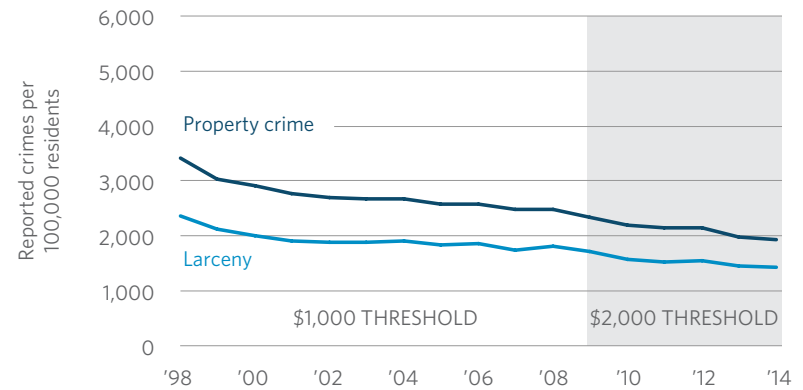
Figures 6E-H

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

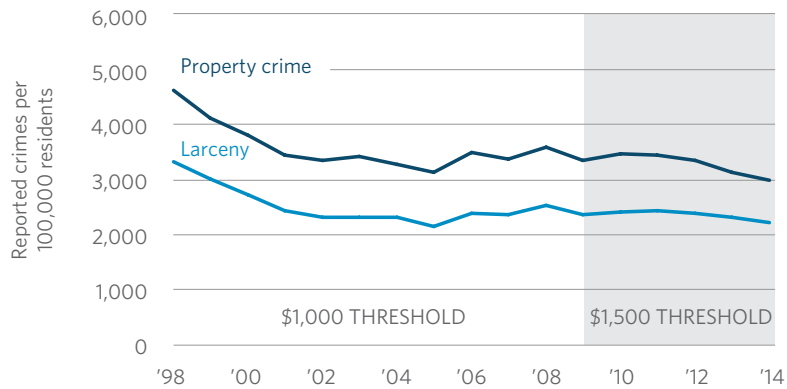
6E - Colorado



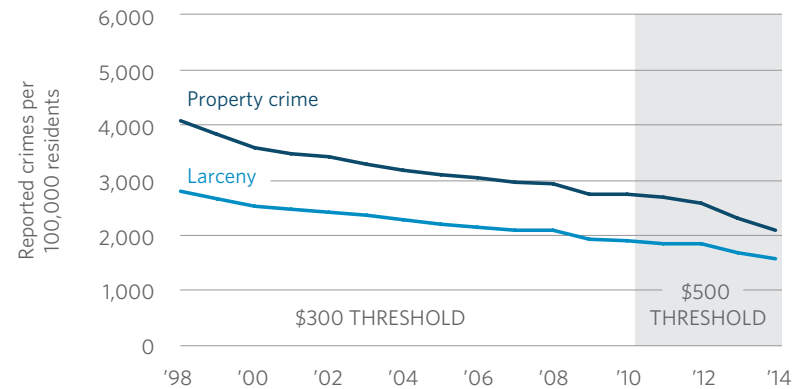
6F - Connecticut



6G - Delaware



6H - Illinois



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

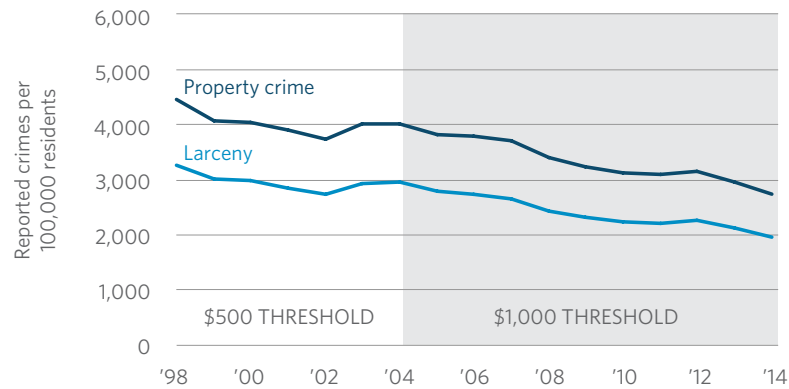
Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2014

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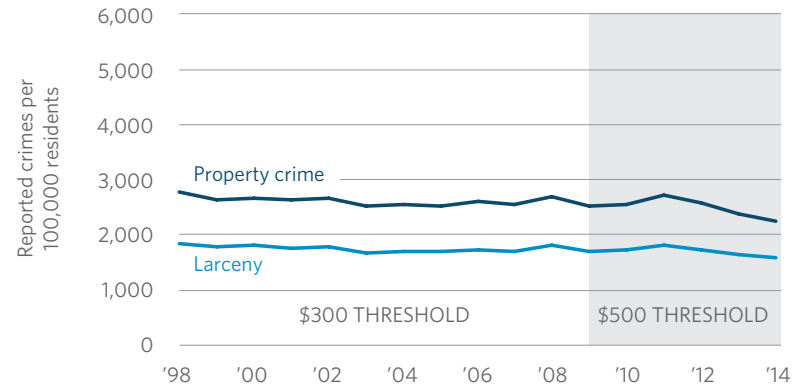
Figures 6I-L

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

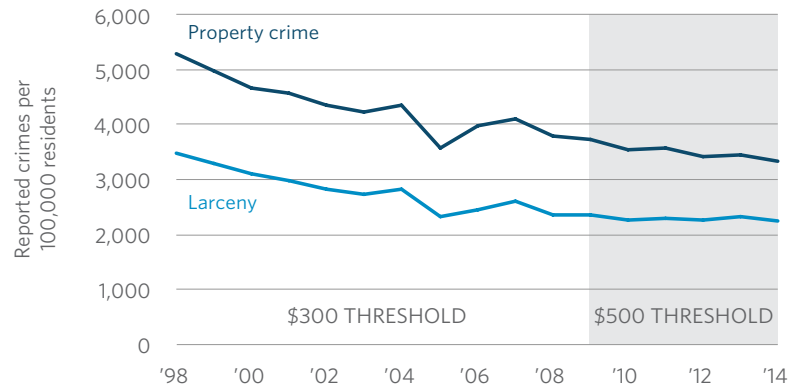
6I - Kansas



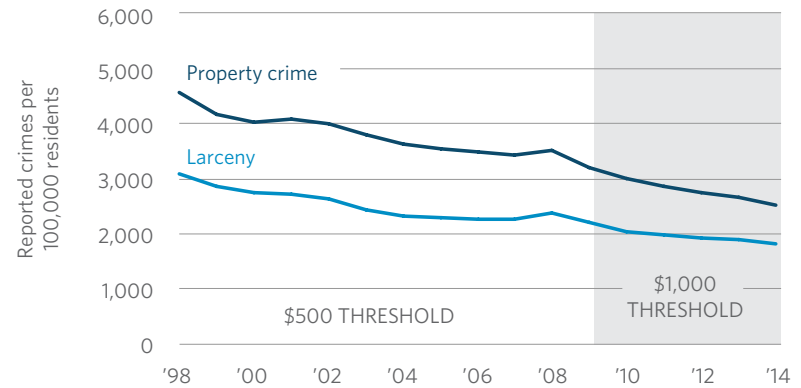
6J - Kentucky



6K - Louisiana



6L - Maryland



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state. Louisiana's felony theft threshold also increased in 2014 from \$500 to \$750. Maryland's felony theft threshold also increased in 2016 from \$1,000 to \$1,500.

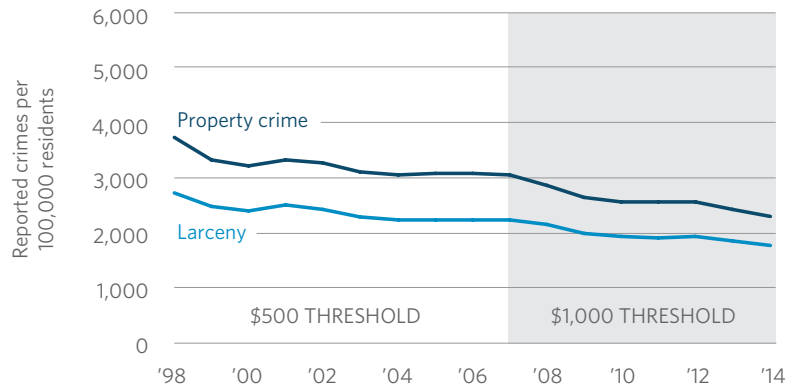
Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2014

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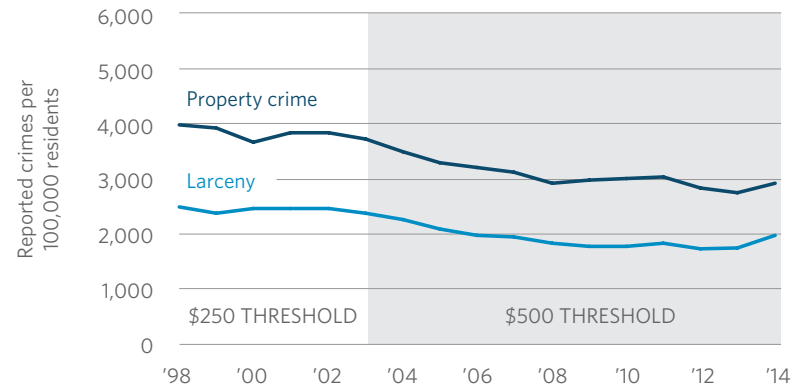
Figures 6M-P

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

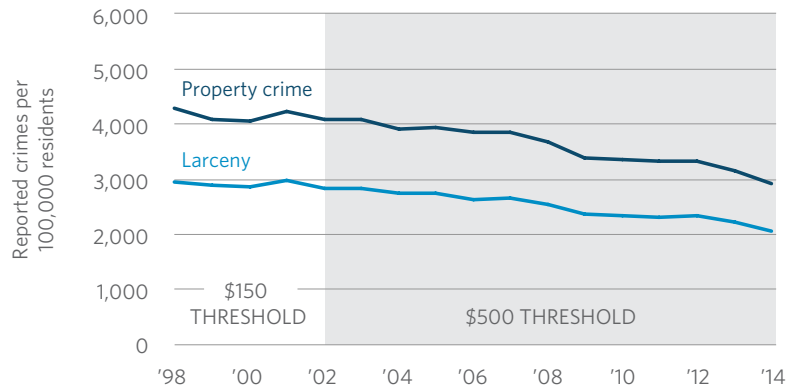
6M - Minnesota



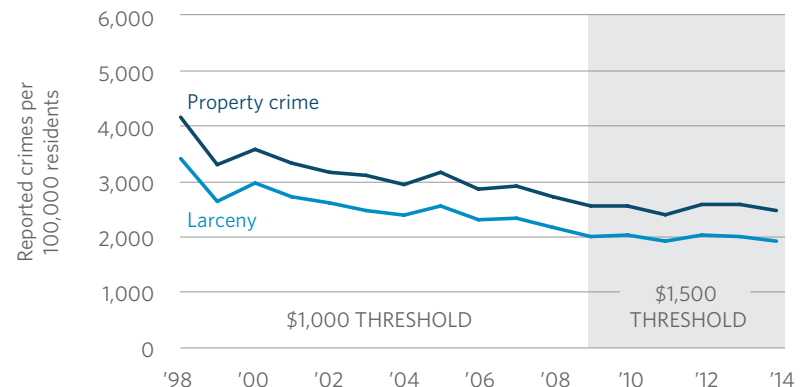
6N - Mississippi



6O - Missouri



6P - Montana



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state. Mississippi's felony theft threshold also increased in 2014 from \$500 to \$1,000. Missouri's felony theft threshold also increased in 2014 from \$500 to \$750.

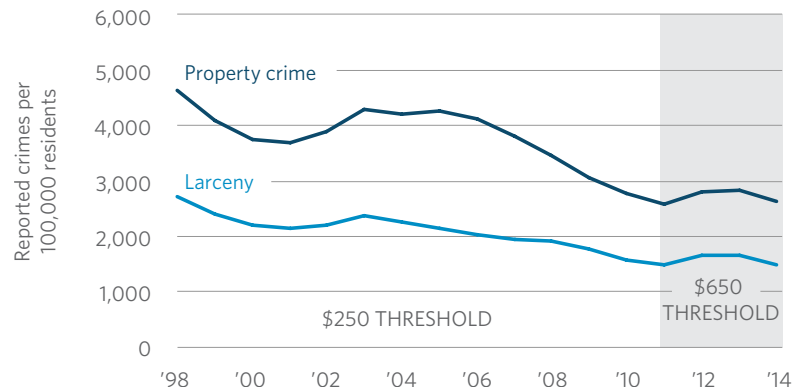
Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2014

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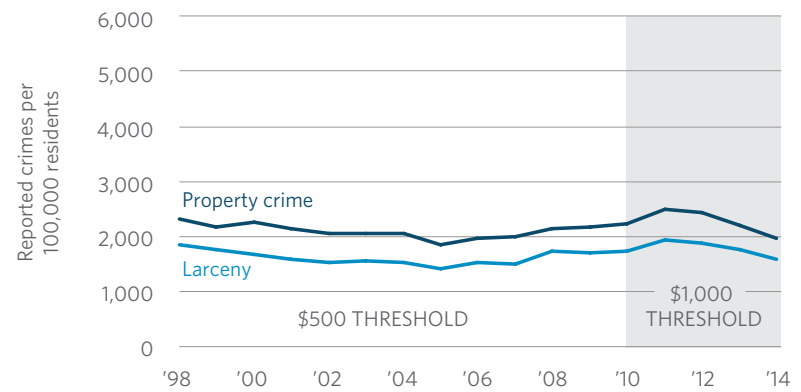
Figures 6Q-T

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

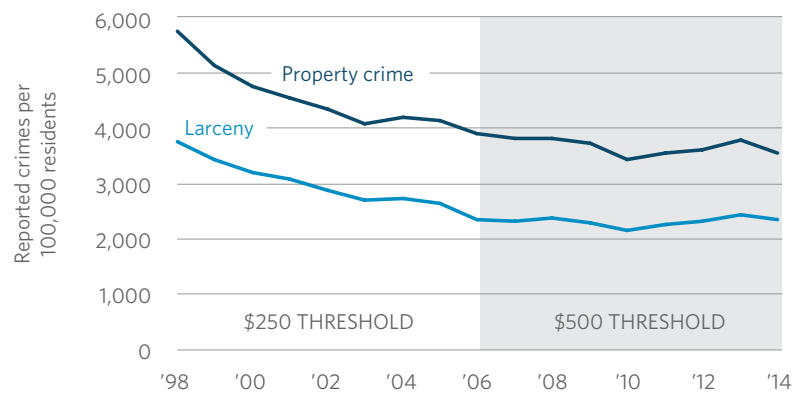
6Q - Nevada



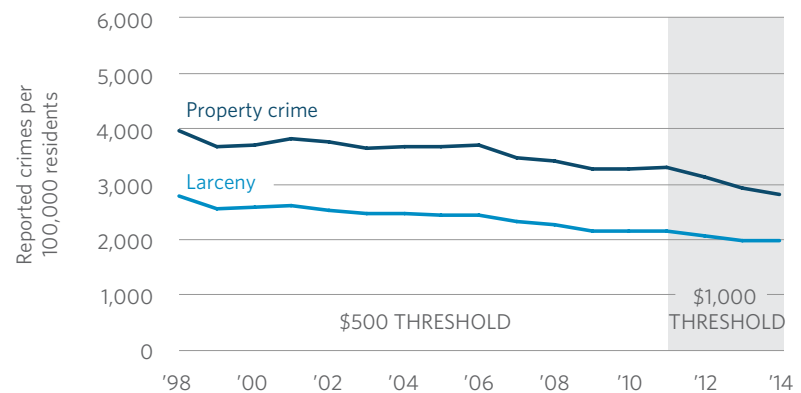
6R - New Hampshire



6S - New Mexico



6T - Ohio



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

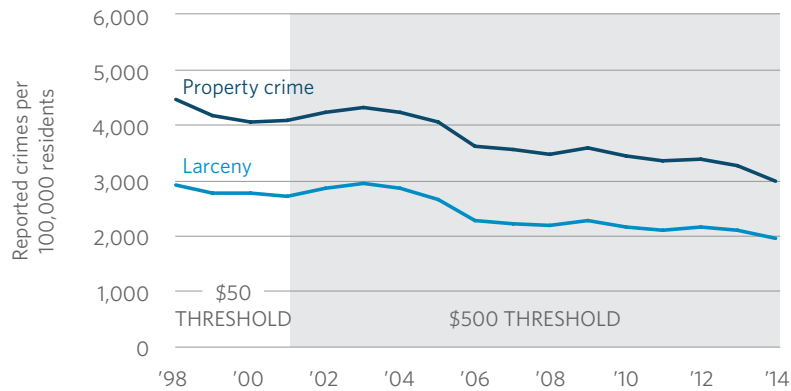
Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2014

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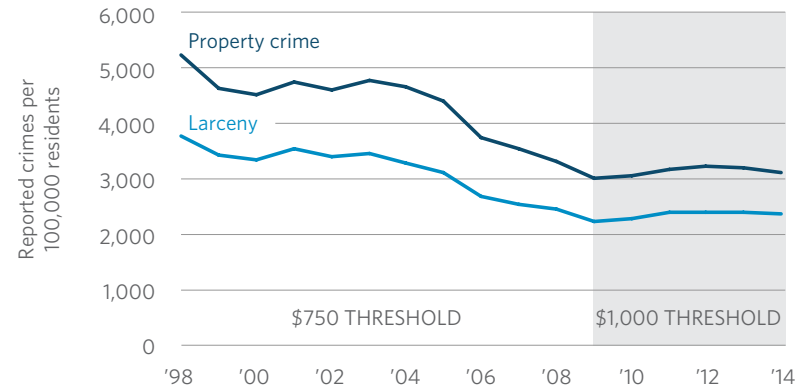
Figures 6U-X

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

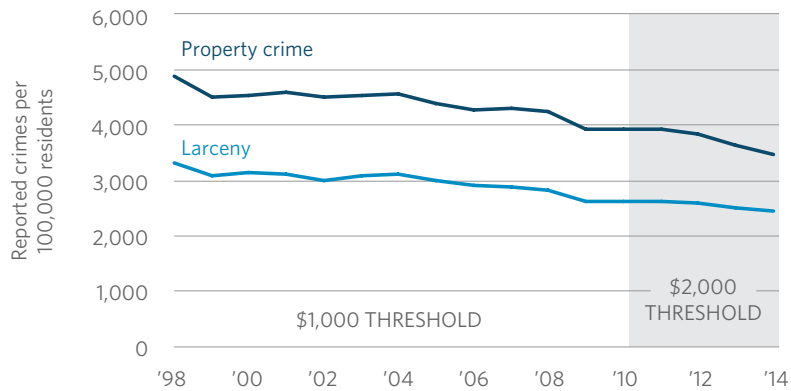
6U - Oklahoma



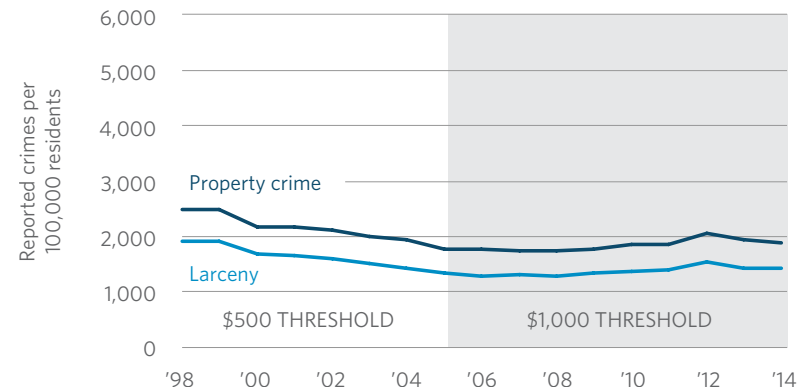
6V - Oregon



6W - South Carolina



6X - South Dakota



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state. Oklahoma's felony theft threshold also increased in 2016 from \$500 to \$1,000.

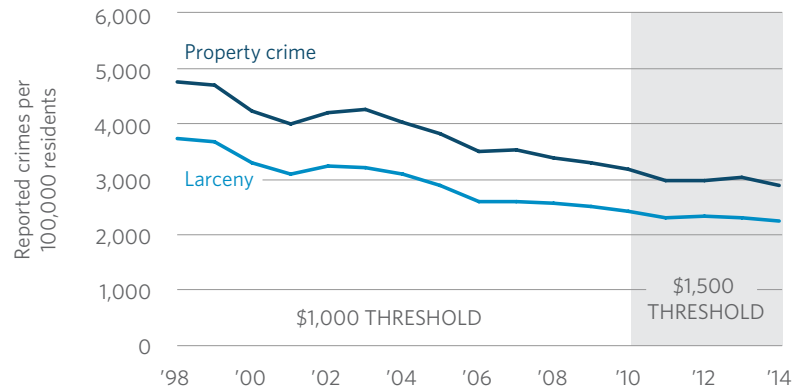
Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2014

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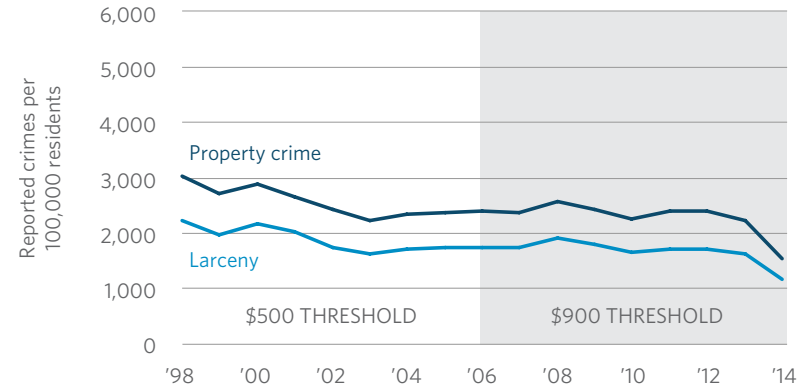
Figures 6Y-BB

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

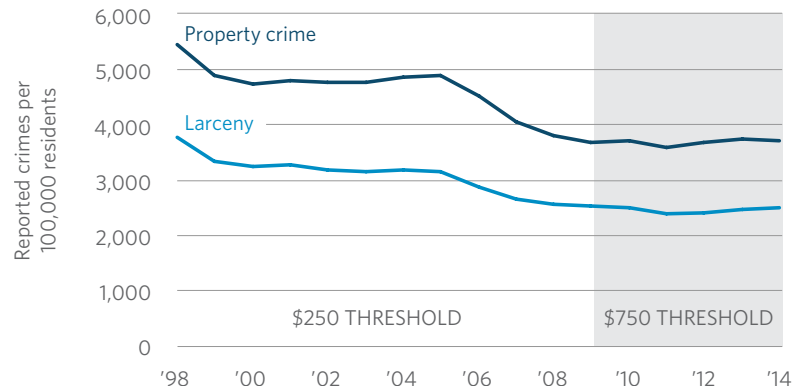
6Y - Utah



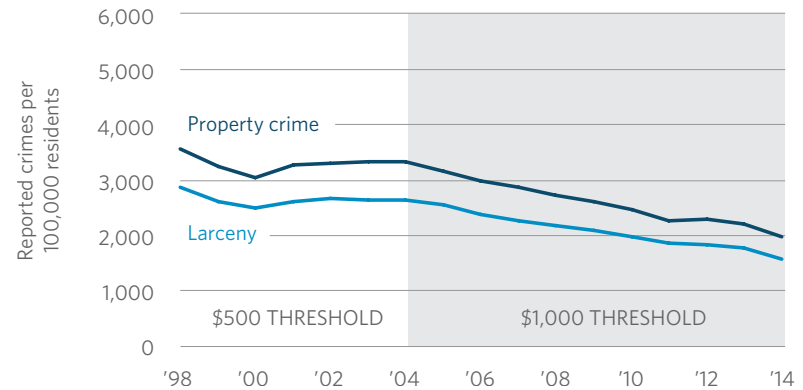
6Z - Vermont



6AA - Washington



6BB - Wyoming



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

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Methodological notes

The statistical models for Figures 3 and 4 isolated the impact of threshold changes on property crime and larceny rates in each state in the year after the policy change and controlled for annual demographic, employment, and income information. The strength of this strategy is that only variables that change over time within each state must be controlled. Demographic data are drawn from the U.S. Census Bureau, and unemployment and income data are derived from the U.S. Bureau of Labor Statistics. State property crime and larceny rates are published by the FBI and are per 100,000 residents. The natural log of property crime and larceny rates was used in the model to account for general declines in rates over time.

Endnotes

- 1 Pew analysis of legislative information from the National Conference of State Legislatures. The District of Columbia raised its felony theft threshold in 2010 but is not included in this analysis because its crime data are not directly comparable with state crime statistics.
- 2 Bureau of Labor Statistics, Consumer Price Index Inflation Calculator, <http://data.bls.gov/cgi-bin/cpicalc.pl>.
- 3 Property crime includes the offenses of burglary, larceny-theft, motor vehicle theft, and arson. Larceny-theft includes offenses such as shoplifting and bicycle theft but does not include offenses such as embezzlement, forgery, and fraud. Definitions are set nationally by the Federal Bureau of Investigation and are not affected by individual states' crime definitions or penalty levels.
- 4 Pew analysis of legislative information from the National Conference of State Legislatures.
- 5 Federal Bureau of Investigation, Uniform Crime Reporting data tool, <http://www.ucrdatatool.gov>.
- 6 Ibid.
- 7 The Pew Charitable Trusts, "Weighing Imprisonment and Crime" (February 2015), http://www.pewtrusts.org/-/media/assets/2015/02/pspp_qa_experts_brief.pdf.
- 8 Property crime and larceny rates were higher in Nevada, Oregon, and South Dakota. The property crime rate was higher in Washington, and the larceny rate was higher in New Mexico.

This brief was updated Feb. 15, 2017, to correct the count of states that changed their thresholds as of 2014 and to revise the associated calculations.

For further information, please visit:

pewtrusts.org/publicsafety

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Project website: pewtrusts.org/publicsafety

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