

SUBCOMMITTEE: CRIMINAL

1 HOUSE BILL NO. 995
2 AMENDMENT IN THE NATURE OF A SUBSTITUTE
3 (Proposed by the House Committee for Courts of Justice
4 on _____)
5 (Patrons Prior to Substitute--Delegates Lindsey and Lopez [HB 263])

6 A BILL to amend and reenact §§ 18.2-23, 18.2-80, 18.2-81, 18.2-95 through 18.2-97, 18.2-102, 18.2-103,
7 18.2-108.01, 18.2-145.1, 18.2-150, 18.2-152.3, 18.2-162, 18.2-181, 18.2-181.1, 18.2-182, 18.2-
8 186, 18.2-186.3, 18.2-187.1, 18.2-188, 18.2-195, 18.2-195.2, 18.2-197, 18.2-340.37, 19.2-289,
9 19.2-290, 19.2-386.16, and 29.1-553 of the Code of Virginia, relating to grand larceny and certain
10 property crimes; threshold.

11 **Be it enacted by the General Assembly of Virginia:**

12 **1. That §§ 18.2-23, 18.2-80, 18.2-81, 18.2-95 through 18.2-97, 18.2-102, 18.2-103, 18.2-108.01, 18.2-**
13 **145.1, 18.2-150, 18.2-152.3, 18.2-162, 18.2-181, 18.2-181.1, 18.2-182, 18.2-186, 18.2-186.3, 18.2-187.1,**
14 **18.2-188, 18.2-195, 18.2-195.2, 18.2-197, 18.2-340.37, 19.2-289, 19.2-290, 19.2-386.16, and 29.1-553**
15 **of the Code of Virginia are amended and reenacted as follows:**

16 **§ 18.2-23. Conspiring to trespass or commit larceny.**

17 A. If any person shall conspire, confederate or combine with another or others in the
18 Commonwealth to go upon or remain upon the lands, buildings or premises of another, or any part, portion
19 or area thereof, having knowledge that any of them have been forbidden, either orally or in writing, to do
20 so by the owner, lessee, custodian or other person lawfully in charge thereof, or having knowledge that
21 any of them have been forbidden to do so by a sign or signs posted on such lands, buildings, premises or
22 part, portion or area thereof at a place or places where it or they may reasonably be seen, he shall be
23 deemed guilty of a Class 3 misdemeanor.

24 B. If any person shall conspire, confederate or combine with another or others in the
25 Commonwealth to commit larceny or counsel, assist, aid or abet another in the performance of a larceny,
26 where the aggregate value of the goods or merchandise involved is ~~\$500~~ \$1,000 or more, he is guilty of a

27 felony punishable by confinement in a state correctional facility for not less than one year nor more than
28 20 years. The willful concealment of goods or merchandise of any store or other mercantile establishment,
29 while still on the premises thereof, shall be prima facie evidence of an intent to convert and defraud the
30 owner thereof out of the value of the goods or merchandise. A violation of this subsection constitutes a
31 separate and distinct felony.

32 C. Jurisdiction for the trial of any person charged under this section shall be in the county or city
33 wherein any part of such conspiracy is planned, or in the county or city wherein any act is done toward
34 the consummation of such plan or conspiracy.

35 **§ 18.2-80. Burning or destroying any other building or structure.**

36 If any person maliciously, or with intent to defraud an insurance company or other person, burn,
37 or by the use of any explosive device or substance, maliciously destroy, in whole or in part, or cause to be
38 burned or destroyed, or aid, counsel or procure the burning or destruction of any building, bridge, lock,
39 dam or other structure, whether the property of himself or of another, at a time when any person is therein
40 or thereon, the burning or destruction whereof is not punishable under any other section of this chapter,
41 he shall be guilty of a Class 3 felony. If he commits such offense at a time when no person is in such
42 building, or other structure, and such building, or other structure, with the property therein, be of the value
43 of ~~\$500~~ \$1,000 or more, he shall be guilty of a Class 4 felony, and if it and the property therein be of less
44 value, he shall be guilty of a Class 1 misdemeanor.

45 **§ 18.2-81. Burning or destroying personal property, standing grain, etc.**

46 If any person maliciously, or with intent to defraud an insurance company or other person, set fire
47 to or burn or destroy by any explosive device or substance, or cause to be burned, or destroyed by any
48 explosive device or substance, or aid, counsel, or procure the burning or destroying by any explosive
49 device or substance, of any personal property, standing grain or other crop, he shall, if the thing burnt or
50 destroyed be of the value of ~~\$500~~ \$1,000 or more, be guilty of a Class 4 felony; and if the thing burnt or
51 destroyed be of less value, he shall be guilty of a Class 1 misdemeanor.

52 **§ 18.2-95. Grand larceny defined; how punished.**

53 Any person who (i) commits larceny from the person of another of money or other thing of value
54 of \$5 or more, (ii) commits simple larceny not from the person of another of goods and chattels of the
55 value of ~~\$500~~ \$1,000 or more, or (iii) commits simple larceny not from the person of another of any
56 firearm, regardless of the firearm's value, shall be guilty of grand larceny, punishable by imprisonment in
57 a state correctional facility for not less than one nor more than 20 years or, in the discretion of the jury or
58 court trying the case without a jury, be confined in jail for a period not exceeding 12 months or fined not
59 more than \$2,500, either or both.

60 **§ 18.2-96. Petit larceny defined; how punished.**

61 Any person who:

- 62 1. Commits larceny from the person of another of money or other thing of value of less than \$5,
63 or
64 2. Commits simple larceny not from the person of another of goods and chattels of the value of
65 less than ~~\$500~~ \$1,000, except as provided in clause (iii) of § 18.2-95, shall be deemed guilty of petit
66 larceny, which shall be punishable as a Class 1 misdemeanor.

67 **§ 18.2-96.1. Identification of certain personalty.**

68 A. The owner of personal property may permanently mark such property, including any part
69 thereof, for the purpose of identification with the social security number of the owner, preceded by the
70 letters "VA."

71 B. [Repealed.]

72 C. It shall be unlawful for any person to remove, alter, deface, destroy, conceal, or otherwise
73 obscure the manufacturer's serial number or marks, including personalty marked with a social security
74 number preceded by the letters "VA," from such personal property or any part thereof, without the consent
75 of the owner, with intent to render it or other property unidentifiable.

76 D. It shall be unlawful for any person to possess such personal property or any part thereof, without
77 the consent of the owner, knowing that the manufacturer's serial number or any other distinguishing
78 identification number or mark, including personalty marked with a social security number preceded by

79 the letters "VA," has been removed, altered, defaced, destroyed, concealed, or otherwise obscured with
80 the intent to violate the provisions of this section.

81 E. A person in possession of such property which is otherwise in violation of this section may
82 apply in writing to the Bureau of Criminal Investigation, Virginia State Police, for assignment of a number
83 for the personal property providing he can show that he is the lawful owner of the property. If a number
84 is issued in conformity with the provisions of this section, then the person to whom it was issued and any
85 person to whom the property is lawfully disposed of shall not be in violation of this section. This
86 subsection shall apply only when the application has been filed by a person prior to arrest or authorization
87 of a warrant of arrest for that person by a court.

88 F. Any person convicted of an offense under this section, when the value of the personalty is less
89 than ~~\$500~~ \$1,000, shall be guilty of a Class 1 misdemeanor and, when the value of the personalty is ~~\$500~~
90 \$1,000 or more, shall be guilty of a Class 5 felony.

91 **§ 18.2-97. Larceny of certain animals and poultry.**

92 Any person who shall be guilty of the larceny of a dog, horse, pony, mule, cow, steer, bull, or calf
93 shall be guilty of a Class 5 felony, and any person who shall be guilty of the larceny of any poultry of the
94 value of \$5 or more, but of the value of less than ~~\$500~~ \$1,000, or of a sheep, lamb, swine, or goat, of the
95 value of less than ~~\$500~~ \$1,000, shall be guilty of a Class 6 felony.

96 **§ 18.2-102. Unauthorized use of animal, aircraft, vehicle or boat; consent; accessories or**
97 **accomplices.**

98 Any person who shall take, drive or use any animal, aircraft, vehicle, boat or vessel, not his own,
99 without the consent of the owner thereof and in the absence of the owner, and with intent temporarily to
100 deprive the owner thereof of his possession thereof, without intent to steal the same, shall be guilty of a
101 Class 6 felony, provided, however, that if the value of such animal, aircraft, vehicle, boat or vessel shall
102 be less than ~~\$500~~ \$1,000, such person shall be guilty of a Class 1 misdemeanor. The consent of the owner
103 of an animal, aircraft, vehicle, boat or vessel to its taking, driving or using shall not in any case be
104 presumed or implied because of such owner's consent on a previous occasion to the taking, driving or
105 using of such animal, aircraft, vehicle, boat or vessel by the same or a different person. Any person who

106 assists in, or is a party or accessory to, or an accomplice in, any such unauthorized taking, driving or using
107 shall be subject to the same punishment as if he were the principal offender.

108 **§ 18.2-103. Concealing or taking possession of merchandise; altering price tags; transferring**
109 **goods from one container to another; counseling, etc., another in performance of such acts.**

110 Whoever, without authority, with the intention of converting goods or merchandise to his own or
111 another's use without having paid the full purchase price thereof, or of defrauding the owner of the value
112 of the goods or merchandise, (i) willfully conceals or takes possession of the goods or merchandise of any
113 store or other mercantile establishment, or (ii) alters the price tag or other price marking on such goods or
114 merchandise, or transfers the goods from one container to another, or (iii) counsels, assists, aids or abets
115 another in the performance of any of the above acts, when the value of the goods or merchandise involved
116 in the offense is less than ~~\$500~~ \$1,000, shall be guilty of petit larceny and, when the value of the goods or
117 merchandise involved in the offense is ~~\$500~~ \$1,000 or more, shall be guilty of grand larceny. The willful
118 concealment of goods or merchandise of any store or other mercantile establishment, while still on the
119 premises thereof, shall be prima facie evidence of an intent to convert and defraud the owner thereof out
120 of the value of the goods or merchandise.

121 **§ 18.2-108.01. Larceny with intent to sell or distribute; sale of stolen property; penalty.**

122 A. Any person who commits larceny of property with a value of ~~\$500~~ \$1,000 or more with the
123 intent to sell or distribute such property is guilty of a felony punishable by confinement in a state
124 correctional facility for not less than two years nor more than 20 years. The larceny of more than one item
125 of the same product is prima facie evidence of intent to sell or intent to distribute for sale.

126 B. Any person who sells, attempts to sell or possesses with intent to sell or distribute any stolen
127 property with an aggregate value of ~~\$500~~ \$1,000 or more where he knew or should have known that the
128 property was stolen is guilty of a Class 5 felony.

129 C. A violation of this section constitutes a separate and distinct offense.

130 **§ 18.2-145.1. Damaging or destroying research farm product; penalty; restitution.**

131 A. Any person or entity that (i) maliciously damages or destroys any farm product, as defined in §
132 3.2-4709, and (ii) knows the product is grown for testing or research purposes in the context of product

133 development in conjunction or coordination with a private research facility or a baccalaureate institution
134 of higher education or any federal, state, or local government agency is guilty of a Class 1 misdemeanor
135 if the value of the farm product was less than ~~-\$500~~ \$1,000, or a Class 6 felony if the value of the farm
136 product was ~~-\$500~~ \$1,000 or more.

137 B. The court shall order the defendant to make restitution in accordance with § 19.2-305.1 for the
138 damage or destruction caused. For the purpose of awarding restitution under this section, the court shall
139 determine the market value of the farm product prior to its damage or destruction and, in so doing, shall
140 include the cost of: (i) production, (ii) research, (iii) testing, (iv) replacement, and (v) product development
141 directly related to the product damaged or destroyed.

142 **§ 18.2-150. Willfully destroying vessel, etc.**

143 If any person willfully scuttle, cast away or otherwise dispose of, or in any manner destroy, except
144 as otherwise provided, a ship, vessel or other watercraft, with intent to injure or defraud any owner thereof
145 or of any property on board the same, or any insurer of such ship, vessel or other watercraft, or any part
146 thereof, or of any such property on board the same, if the same be of the value of ~~-\$500~~ \$1,000 or more,
147 he shall be guilty of a Class 4 felony, but if it be of less value than ~~-\$500~~ \$1,000, he shall be guilty of a
148 Class 1 misdemeanor.

149 **§ 18.2-152.3. Computer fraud; penalty.**

150 Any person who uses a computer or computer network, without authority and:

- 151 1. Obtains property or services by false pretenses;
- 152 2. Embezzles or commits larceny; or
- 153 3. Converts the property of another;

154 is guilty of the crime of computer fraud.

155 If the value of the property or services obtained is ~~-\$500~~ \$1,000 or more, the crime of computer
156 fraud shall be punishable as a Class 5 felony. Where the value of the property or services obtained is less
157 than ~~-\$500~~ \$1,000, the crime of computer fraud shall be punishable as a Class 1 misdemeanor.

158 **§ 18.2-162. Damage or trespass to public services or utilities.**

159 Any person who shall intentionally destroy or damage any facility which is used to furnish oil,
160 telegraph, telephone, electric, gas, sewer, wastewater or water service to the public, shall be guilty of a
161 Class 4 felony, provided that in the event that the destruction or damage may be remedied or repaired for
162 less than ~~\$500~~ \$1,000 such act shall constitute a Class 3 misdemeanor. On electric generating property
163 marked with no trespassing signs, the security personnel of a utility may detain a trespasser for a period
164 not to exceed one hour pending arrival of a law-enforcement officer.

165 Notwithstanding any other provisions of this title, any person who shall intentionally destroy or
166 damage, or attempt to destroy or damage, any such facility, equipment or material connected therewith,
167 the destruction or damage of which might, in any manner, threaten the release of radioactive materials or
168 ionizing radiation beyond the areas in which they are normally used or contained, shall be guilty of a Class
169 4 felony, provided that in the event the destruction or damage results in the death of another due to
170 exposure to radioactive materials or ionizing radiation, such person shall be guilty of a Class 2 felony;
171 provided further, that in the event the destruction or damage results in injury to another, such person shall
172 be guilty of a Class 3 felony.

173 **§ 18.2-181. Issuing bad checks, etc., larceny.**

174 Any person who, with intent to defraud, shall make or draw or utter or deliver any check, draft, or
175 order for the payment of money, upon any bank, banking institution, trust company, or other depository,
176 knowing, at the time of such making, drawing, uttering or delivering, that the maker or drawer has not
177 sufficient funds in, or credit with, such bank, banking institution, trust company, or other depository, for
178 the payment of such check, draft or order, although no express representation is made in reference thereto,
179 shall be guilty of larceny; and, if this check, draft, or order has a represented value of ~~\$500~~ \$1,000 or
180 more, such person shall be guilty of a Class 6 felony. In cases in which such value is less than ~~\$500~~ \$1,000,
181 the person shall be guilty of a Class 1 misdemeanor.

182 The word "credit" as used herein, shall be construed to mean any arrangement or understanding
183 with the bank, trust company, or other depository for the payment of such check, draft or order.

184 Any person making, drawing, uttering or delivering any such check, draft or order in payment as
185 a present consideration for goods or services for the purposes set out in this section shall be guilty as
186 provided herein.

187 **§ 18.2-181.1. Issuance of bad checks.**

188 It shall be a Class 6 felony for any person, within a period of 90 days, to issue two or more checks,
189 drafts or orders for the payment of money in violation of § 18.2-181 that have an aggregate represented
190 value of ~~\$500~~ \$1,000 or more and that (i) are drawn upon the same account of any bank, banking
191 institution, trust company or other depository and (ii) are made payable to the same person, firm or
192 corporation.

193 **§ 18.2-182. Issuing bad checks on behalf of business firm or corporation in payment of wages;**
194 **penalty.**

195 Any person who shall make, draw, or utter, or deliver any check, draft, or order for the payment
196 of money, upon any bank, banking institution, trust company or other depository on behalf of any business
197 firm or corporation, for the purpose of paying wages to any employee of such firm or corporation, or for
198 the purpose of paying for any labor performed by any person for such firm or corporation, knowing, at the
199 time of such making, drawing, uttering or delivering, that the account upon which such check, draft or
200 order is drawn has not sufficient funds, or credit with, such bank, banking institution, trust company or
201 other depository, for the payment of such check, draft or order, although no express representation is made
202 in reference thereto, shall be guilty of a Class 1 misdemeanor; except that if this check, draft, or order has
203 a represented value of ~~\$500~~ \$1,000 or more, such person shall be guilty of a Class 6 felony.

204 The word "credit," as used herein, shall be construed to mean any arrangement or understanding
205 with the bank, banking institution, trust company, or other depository for the payment of such check, draft
206 or order.

207 In addition to the criminal penalty set forth herein, such person shall be personally liable in any
208 civil action brought upon such check, draft or order.

209 **§ 18.2-186. False statements to obtain property or credit.**

210 A. A person shall be guilty of a Class 1 misdemeanor if he makes, causes to be made or conspires
211 to make directly, indirectly or through an agency, any materially false statement in writing, knowing it to
212 be false and intending that it be relied upon, concerning the financial condition or means or ability to pay
213 of himself, or of any other person for whom he is acting, or any firm or corporation in which he is interested
214 or for which he is acting, for the purpose of procuring, for his own benefit or for the benefit of such person,
215 firm or corporation, the delivery of personal property, the payment of cash, the making of a loan or credit,
216 the extension of a credit, the discount of an account receivable, or the making, acceptance, discount, sale
217 or endorsement of a bill of exchange or promissory note.

218 B. Any person who knows that a false statement has been made in writing concerning the financial
219 condition or ability to pay of himself or of any person for whom he is acting, or any firm or corporation
220 in which he is interested or for which he is acting and who, with intent to defraud, procures, upon the faith
221 thereof, for his own benefit, or for the benefit of the person, firm or corporation in which he is interested
222 or for which he is acting, any such delivery, payment, loan, credit, extension, discount making, acceptance,
223 sale or endorsement, shall, if the value of the thing or the amount of the loan, credit or benefit obtained is
224 ~~\$500~~ \$1,000 or more, be guilty of grand larceny or, if the value is less than ~~\$500~~ \$1,000, be guilty of petit
225 larceny.

226 C. Venue for the trial of any person charged with an offense under this section may be in the county
227 or city in which (i) any act was performed in furtherance of the offense, or (ii) the person charged with
228 the offense resided at the time of the offense.

229 D. As used in this section, "in writing" shall include information transmitted by computer,
230 facsimile, e-mail, Internet, or any other electronic medium, and shall not include information transmitted
231 by any such medium by voice transmission.

232 **§ 18.2-186.3. Identity theft; penalty; restitution; victim assistance.**

233 A. It shall be unlawful for any person, without the authorization or permission of the person or
234 persons who are the subjects of the identifying information, with the intent to defraud, for his own use or
235 the use of a third person, to:

236 1. Obtain, record, or access identifying information which is not available to the general public
237 that would assist in accessing financial resources, obtaining identification documents, or obtaining
238 benefits of such other person;

239 2. Obtain money, credit, loans, goods, or services through the use of identifying information of
240 such other person;

241 3. Obtain identification documents in such other person's name; or

242 4. Obtain, record, or access identifying information while impersonating a law-enforcement officer
243 or an official of the government of the Commonwealth.

244 B. It shall be unlawful for any person without the authorization or permission of the person who
245 is the subject of the identifying information, with the intent to sell or distribute the information to another
246 to:

247 1. Fraudulently obtain, record, or access identifying information that is not available to the general
248 public that would assist in accessing financial resources, obtaining identification documents, or obtaining
249 benefits of such other person;

250 2. Obtain money, credit, loans, goods, or services through the use of identifying information of
251 such other person;

252 3. Obtain identification documents in such other person's name; or

253 4. Obtain, record, or access identifying information while impersonating a law-enforcement officer
254 or an official of the Commonwealth.

255 B1. It shall be unlawful for any person to use identification documents or identifying information
256 of another person, whether that person is dead or alive, or of a false or fictitious person, to avoid summons,
257 arrest, prosecution, or to impede a criminal investigation.

258 C. As used in this section, "identifying information" shall include but not be limited to: (i) name;
259 (ii) date of birth; (iii) social security number; (iv) driver's license number; (v) bank account numbers; (vi)
260 credit or debit card numbers; (vii) personal identification numbers (PIN); (viii) electronic identification
261 codes; (ix) automated or electronic signatures; (x) biometric data; (xi) fingerprints; (xii) passwords; or

262 (xiii) any other numbers or information that can be used to access a person's financial resources, obtain
263 identification, act as identification, or obtain money, credit, loans, goods, or services.

264 D. Violations of this section shall be punishable as a Class 1 misdemeanor. Any violation resulting
265 in financial loss of ~~\$500~~ \$1,000 or more shall be punishable as a Class 6 felony. Any second or subsequent
266 conviction shall be punishable as a Class 6 felony. Any violation of subsection B where five or more
267 persons' identifying information has been obtained, recorded, or accessed in the same transaction or
268 occurrence shall be punishable as a Class 5 felony. Any violation of subsection B where 50 or more
269 persons' identifying information has been obtained, recorded, or accessed in the same transaction or
270 occurrence shall be punishable as a Class 4 felony. Any violation resulting in the arrest and detention of
271 the person whose identification documents or identifying information were used to avoid summons, arrest,
272 prosecution, or to impede a criminal investigation shall be punishable as a Class 5 felony. In any
273 proceeding brought pursuant to this section, the crime shall be considered to have been committed in any
274 locality where the person whose identifying information was appropriated resides, or in which any part of
275 the offense took place, regardless of whether the defendant was ever actually in such locality.

276 E. Upon conviction, in addition to any other punishment, a person found guilty of this offense shall
277 be ordered by the court to make restitution as the court deems appropriate to any person whose identifying
278 information was appropriated or to the estate of such person. Such restitution may include the person's or
279 his estate's actual expenses associated with correcting inaccuracies or errors in his credit report or other
280 identifying information.

281 F. Upon the request of a person whose identifying information was appropriated, the Attorney
282 General may provide assistance to the victim in obtaining information necessary to correct inaccuracies
283 or errors in his credit report or other identifying information; however, no legal representation shall be
284 afforded such person.

285 **§ 18.2-187.1. Obtaining or attempting to obtain oil, electric, gas, water, telephone, telegraph,**
286 **cable television or electronic communication service without payment; penalty; civil liability.**

287 A. It shall be unlawful for any person knowingly, with the intent to defraud, to obtain or attempt
288 to obtain, for himself or for another, oil, electric, gas, water, telephone, telegraph, cable television or

289 electronic communication service by the use of any false information, or in any case where such service
290 has been disconnected by the supplier and notice of disconnection has been given.

291 B. It shall be unlawful for any person to obtain or attempt to obtain oil, electric, gas, water,
292 telephone, telegraph, cable television or electronic communication service by the use of any scheme,
293 device, means or method, or by a false application for service with intent to avoid payment of lawful
294 charges therefor.

295 B1. It shall be unlawful for any person to obtain, or attempt to obtain, electronic communication
296 service as defined in § 18.2-190.1 by the use of an unlawful electronic communication device as defined
297 in § 18.2-190.1.

298 C. The word "notice" as used in subsection A shall be notice given in writing to the person to
299 whom the service was assigned. The sending of a notice in writing by registered or certified mail in the
300 United States mail, duly stamped and addressed to such person at his last known address, requiring
301 delivery to the addressee only with return receipt requested, and the actual signing of the receipt for such
302 mail by the addressee, shall be prima facie evidence that such notice was duly received.

303 D. Any person who violates any provisions of this section, if the value of service, credit or benefit
304 procured is ~~\$500~~ \$1,000 or more, shall be guilty of a Class 6 felony; or if the value is less than ~~\$500~~
305 \$1,000, shall be guilty of a Class 1 misdemeanor. In addition, the court may order restitution for the value
306 of the services unlawfully used and for all costs. Such costs shall be limited to actual expenses, including
307 the base wages of employees acting as witnesses for the Commonwealth, and suit costs. However, the
308 total amount of allowable costs granted hereunder shall not exceed \$250, excluding the value of the
309 service.

310 E. Any party providing oil, electric, gas, water, telephone, telegraph, cable television or electronic
311 communication service who is aggrieved by a violation of this section may, in a civil proceeding in any
312 court of competent jurisdiction, seek both injunctive and equitable relief, and an award of damages,
313 including attorney fees and costs. In addition to any other remedy provided by law, the party aggrieved
314 may recover an award of actual damages or \$500, whichever is greater, for each action.

315 **§ 18.2-188. Defrauding hotels, motels, campgrounds, boardinghouses, etc.**

316 It shall be unlawful for any person, without paying therefor, and with the intent to cheat or defraud
317 the owner or keeper to:

- 318 1. Put up at a hotel, motel, campground or boardinghouse;
319 2. Obtain food from a restaurant or other eating house;
320 3. Gain entrance to an amusement park; or
321 4. Without having an express agreement for credit, procure food, entertainment or accommodation
322 from any hotel, motel, campground, boardinghouse, restaurant, eating house or amusement park.

323 It shall be unlawful for any person, with intent to cheat or defraud the owner or keeper out of the
324 pay therefor to obtain credit at a hotel, motel, campground, boardinghouse, restaurant or eating house for
325 food, entertainment or accommodation by means of any false show of baggage or effects brought thereto.

326 It shall be unlawful for any person, with intent to cheat or defraud, to obtain credit at a hotel, motel,
327 campground, boardinghouse, restaurant, eating house or amusement park for food, entertainment or
328 accommodation through any misrepresentation or false statement.

329 It shall be unlawful for any person, with intent to cheat or defraud, to remove or cause to be
330 removed any baggage or effects from a hotel, motel, campground, boardinghouse, restaurant or eating
331 house while there is a lien existing thereon for the proper charges due from him for fare and board
332 furnished.

333 Any person who violates any provision of this section is, if the value of service, credit or benefit
334 procured or obtained is ~~\$500~~ \$1,000 or more, guilty of a Class 5 felony or is, if the value is less than ~~\$500~~
335 \$1,000, guilty of a Class 1 misdemeanor.

336 **§ 18.2-195. Credit card fraud; conspiracy; penalties.**

337 (1) A person is guilty of credit card fraud when, with intent to defraud any person, he:

338 (a) Uses for the purpose of obtaining money, goods, services or anything else of value a credit card
339 or credit card number obtained or retained in violation of § 18.2-192 or a credit card or credit card number
340 which he knows is expired or revoked;

341 (b) Obtains money, goods, services or anything else of value by representing (i) without the
342 consent of the cardholder that he is the holder of a specified card or credit card number or (ii) that he is
343 the holder of a card or credit card number and such card or credit card number has not in fact been issued;

344 (c) Obtains control over a credit card or credit card number as security for debt; or

345 (d) Obtains money from an issuer by use of an unmanned device of the issuer or through a person
346 other than the issuer when he knows that such advance will exceed his available credit with the issuer and
347 any available balances held by the issuer.

348 (2) A person who is authorized by an issuer to furnish money, goods, services or anything else of
349 value upon presentation of a credit card or credit card number by the cardholder, or any agent or employee
350 of such person, is guilty of a credit card fraud when, with intent to defraud the issuer or the cardholder,
351 he:

352 (a) Furnishes money, goods, services or anything else of value upon presentation of a credit card
353 or credit card number obtained or retained in violation of § 18.2-192, or a credit card or credit card number
354 which he knows is expired or revoked;

355 (b) Fails to furnish money, goods, services or anything else of value which he represents or causes
356 to be represented in writing or by any other means to the issuer that he has furnished; or

357 (c) Remits to an issuer or acquirer a record of a credit card or credit card number transaction which
358 is in excess of the monetary amount authorized by the cardholder.

359 (3) Conviction of credit card fraud is punishable as a Class 1 misdemeanor if the value of all
360 money, goods, services and other things of value furnished in violation of this section, or if the difference
361 between the value of all money, goods, services and anything else of value actually furnished and the
362 value represented to the issuer to have been furnished in violation of this section, is less than ~~\$500~~ \$1,000
363 in any six-month period; conviction of credit card fraud is punishable as a Class 6 felony if such value is
364 ~~\$500~~ \$1,000 or more in any six-month period.

365 (4) Any person who conspires, confederates or combines with another, (i) either within or without
366 the Commonwealth to commit credit card fraud within the Commonwealth or (ii) within the

367 Commonwealth to commit credit card fraud within or without the Commonwealth, is guilty of a Class 6
368 felony.

369 **§ 18.2-195.2. Fraudulent application for credit card; penalties.**

370 A. A person shall be guilty of a Class 1 misdemeanor if he makes, causes to be made or conspires
371 to make, directly, indirectly or through an agency, any materially false statement in writing concerning
372 the financial condition or means or ability to pay of himself or of any other person for whom he is acting
373 or any firm or corporation in which he is interested or for which he is acting, knowing the statement to be
374 false and intending that it be relied upon for the purpose of procuring a credit card. However, if the
375 statement is made in response to an unrequested written solicitation from the issuer or an agent of the
376 issuer to apply for a credit card, he shall be guilty of a Class 4 misdemeanor.

377 B. A person who knows that a false statement has been made in writing concerning the financial
378 condition or ability to pay of himself or of any person for whom he is acting or any firm or corporation in
379 which he is interested or for which he is acting and who with intent to defraud, procures a credit card,
380 upon the faith of such false statement, for his own benefit, or for the benefit of the person, firm or
381 corporation in which he is interested or for which he is acting, and obtains by use of the credit card, money,
382 property, services or any thing of value, is guilty of grand larceny if the value of whatever is obtained is
383 ~~\$500~~ \$1,000 or more or petit larceny if the value is less than ~~\$500~~ \$1,000.

384 C. As used in this section, "in writing" shall include information transmitted by computer,
385 facsimile, e-mail, Internet, or any other electronic medium, and shall not include information transmitted
386 by any such medium by voice transmission.

387 **§ 18.2-197. Criminally receiving goods and services fraudulently obtained.**

388 A person is guilty of criminally receiving goods and services fraudulently obtained when he
389 receives money, goods, services or anything else of value obtained in violation of subsection (1) of § 18.2-
390 195 with the knowledge or belief that the same were obtained in violation of subsection (1) of § 18.2-195.
391 Conviction of criminal receipt of goods and services fraudulently obtained is punishable as a Class 1
392 misdemeanor if the value of all money, goods, services and anything else of value, obtained in violation
393 of this section, is less than ~~\$500~~ \$1,000 in any six-month period; conviction of criminal receipt of goods

394 and services fraudulently obtained is punishable as a Class 6 felony if such value is ~~\$500~~ \$1,000 or more
395 in any six-month period.

396 **§ 18.2-340.37. Criminal penalties.**

397 A. Any person who violates the provisions of this article or who willfully and knowingly files, or
398 causes to be filed, a false application, report or other document or who willfully and knowingly makes a
399 false statement, or causes a false statement to be made, on any application, report or other document
400 required to be filed with or made to the Department shall be guilty of a Class 1 misdemeanor.

401 B. Each day in violation shall constitute a separate offense.

402 C. Any person who converts funds derived from any charitable gaming to his own or another's use,
403 when the amount of funds is less than ~~\$500~~ \$1,000, shall be guilty of petit larceny and, when the amount
404 of funds is ~~\$500~~ \$1,000 or more, shall be guilty of grand larceny. The provisions of this section shall not
405 preclude the applicability of any other provision of the criminal law of the Commonwealth that may apply
406 to any course of conduct that violates this section.

407 **§ 19.2-289. Conviction of petit larceny.**

408 In a prosecution for grand larceny, if it be found that the thing stolen is of less value than ~~\$500~~
409 \$1,000, the jury may find the accused guilty of petit larceny.

410 **§ 19.2-290. Conviction of petit larceny though thing stolen worth \$1,000 or more.**

411 In a prosecution for petit larceny, though the thing stolen be of the value of ~~\$500~~ \$1,000 or more,
412 the jury may find the accused guilty, and upon a conviction under this section or § 19.2-289 the accused
413 shall be sentenced for petit larceny.

414 **§ 19.2-386.16. Forfeiture of motor vehicles used in commission of certain crimes.**

415 A. Any vehicle knowingly used by the owner thereof or used by another with his knowledge of
416 and during the commission of, or in an attempt to commit, a second or subsequent offense of § 18.2-346,
417 18.2-347, 18.2-348, 18.2-348.1, 18.2-349, 18.2-355, 18.2-356 or 18.2-357 or of a similar ordinance of any
418 county, city or town or knowingly used for the transportation of any stolen goods, chattels or other
419 property, when the value of such stolen goods, chattels or other property is ~~\$500~~ \$1,000 or more, or any
420 stolen property obtained as a result of a robbery, without regard to the value of the property, shall be

421 forfeited to the Commonwealth. The vehicle shall be seized by any law-enforcement officer arresting the
422 operator of such vehicle for the criminal offense, and delivered to the sheriff of the county or city in which
423 the offense occurred. The officer shall take a receipt therefor.

424 B. Any vehicle knowingly used by the owner thereof or used by another with his knowledge of
425 and during the commission of, or in an attempt to commit, a misdemeanor violation of subsection D of §
426 18.2-47 or a felony violation of (i) Article 3 (§ 18.2-47 et seq.) of Chapter 4 of Title 18.2 or (ii) § 18.2-
427 357 where the prostitute is a minor, shall be forfeited to the Commonwealth. The vehicle shall be seized
428 by any law-enforcement officer arresting the operator of such vehicle for the criminal offense, and
429 delivered to the sheriff of the county or city in which the offense occurred. The officer shall take a receipt
430 therefor.

431 C. Forfeiture of such vehicle shall be enforced as is provided in Chapter 22.1 (§ 19.2-386.1 et
432 seq.).

433 **§ 29.1-553. Selling or offering for sale; penalty.**

434 A. Any person who offers for sale, sells, offers to purchase, or purchases any wild bird or wild
435 animal, or any part thereof, or any freshwater fish, except as provided by law, shall be guilty of a Class 1
436 misdemeanor. However, when the aggregate of such sales or purchases, or any combination thereof, by
437 any person totals ~~\$500~~ \$1,000 or more during any 90-day period, that person shall be guilty of a Class 6
438 felony.

439 B. Whether or not criminal charges have been placed, when any property is taken possession of by
440 a conservation police officer for the purpose of being used as evidence of a violation of this section or for
441 confiscation, the conservation police officer making such seizure shall immediately report the seizure to
442 the Attorney for the Commonwealth.

443 C. In any prosecution for a violation of this section, photographs of the wild bird, wild animal, or
444 any freshwater fish, or any part thereof shall be deemed competent evidence of such wild bird, wild animal,
445 or freshwater fish, or part thereof and shall be admissible in any proceeding, hearing, or trial of the case
446 to the same extent as if such wild bird, wild animal, or any freshwater fish, or part thereof had been
447 introduced as evidence. Such photographs shall bear a written description of the wild bird, wild animal,

448 or freshwater fish, or parts thereof, the name of the place where the alleged offense occurred, the date on
449 which the alleged offense occurred, the name of the accused, the name of the arresting officer or
450 investigating officer, the date of the photograph, and the name of the photographer. The photographs shall
451 be identified by the signature of the photographer.

452 D. Any licensed Virginia auctioneer or licensed auction firm that sells, as a legitimate item of an
453 auction sale, wildlife mounts that have undergone the taxidermy process, shall be exempt from the
454 provisions of this section and subdivision A 11 of § 29.1-521.

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