

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 18.2-186.3, relating to identity*
3 *fraud; penalty.*

4
5 Approved

[H 373]

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

7 **1. That the Code of Virginia is amended by adding a section numbered 18.2-186.3 as follows:**

8 *§ 18.2-186.3. Identity fraud; penalty.*

9 *A. It shall be unlawful for any person, without the authorization or permission of the person who is*
10 *the subject of the identifying information, with the intent to defraud, for his own use or the use of a*
11 *third person, to:*

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

15 *2. Obtain goods or services through the use of identifying information of such other person; or*

16 *3. Obtain identification documents in such other person's name.*

17 *B. It shall be unlawful for any person to use identification documents or identifying information of*
18 *another to avoid summons, arrest, prosecution, or to impede a criminal investigation.*

19 *C. As used in this section, "identifying information" shall include but not be limited to: (i) name; (ii)*
20 *date of birth; (iii) social security number; (iv) driver's license number; (v) bank account numbers; (vi)*
21 *credit or debit card numbers; (vii) personal identification numbers (PIN); (viii) electronic identification*
22 *codes; (ix) automated or electronic signatures; (x) biometric data; (xi) fingerprints; (xii) passwords; or*
23 *(xiii) any other numbers or information that can be used to access a person's financial resources, obtain*
24 *identification, act as identification, or obtain goods or services.*

25 *D. Violations of this section shall be punishable as a Class 1 misdemeanor. Any violation resulting*
26 *in financial loss of greater than \$200 shall be punishable as a Class 6 felony. Any second or subsequent*
27 *conviction shall be punishable as a Class 6 felony. Any violation resulting in the arrest and detention of*
28 *the person whose identification documents or identifying information were used to avoid summons,*
29 *arrest, prosecution, or to impede a criminal investigation shall be punishable as a Class 6 felony. In*
30 *any proceeding brought pursuant to this section, the crime shall be considered to have been committed*
31 *in any locality where the person whose identifying information was appropriated resides, or in which*
32 *any part of the offense took place, regardless of whether the defendant was ever actually in such*
33 *locality.*

34 *E. Upon conviction, in addition to any other punishment, a person found guilty of this offense shall*
35 *be ordered by the court to make restitution as the court deems appropriate to any person whose*
36 *identifying information was appropriated.*

37 **2. That the provisions of this act may result in a net increase in periods of imprisonment in state**
38 **correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation**
39 **is \$ in FY.**

ENROLLED

HB373ER