

005208252

HOUSE BILL NO. 373**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee for Courts of Justice
on February 4, 2000)

(Patrons Prior to Substitute—Delegates Byron and McQuigg [HB 82])

*A BILL to amend the Code of Virginia by adding a section numbered § 18.2-186.3, relating to identity fraud; penalty.***Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered § 18.2-186.3 as follows:***§ 18.2-186.3. Identity fraud; penalty.**A. It shall be unlawful for any person, without the authorization or permission of another person, with the intent to defraud, for his own use or the use of a third person, to:**1., Obtain, record or access identifying information which is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person; or**2. Obtain goods or services through the use of identifying information of such other person; or**3. Obtain identification documents in such other person's name.**B. It shall be unlawful for any person to use identification documents or identifying information of another to avoid summons, arrest, prosecution, or to impede a criminal investigation.**C. As used in this section, "identifying information" shall include but not be limited to: (i) name; (ii) date of birth; (iii) social security number; (iv) driver's license number; (v) bank account numbers; (vi) credit or debit card numbers; (vii) personal identification numbers (PIN); (viii) electronic identification codes; (ix) automated or electronic signatures; (x) biometric data; (xi) fingerprints; (xii) passwords; or (xiii) any other numbers or information that can be used to access a person's financial resources, obtain identification, act as identification, or obtain goods or services.**D. The prohibitions set forth in this section shall not apply to:**1. The lawful obtaining of credit information in the course of a consumer or commercial transaction;**2. The lawful exercise of a security interest or a right to offset by a creditor or a financial institution;**3. The lawful compliance by any party required by any warrant, levy, garnishment, attachment, court order, or other administrative order, decree, or directive; or**4. The use of such information as part of a criminal investigation by a law-enforcement officer as defined in § 9-169.**E. Violations of this section shall be punishable as a Class 1 misdemeanor. Any violation resulting in financial loss of greater than \$200 shall be punishable as a Class 6 felony. Any second or subsequent conviction shall be punishable as a Class 6 felony. Any violation resulting in the arrest and detention of the person whose identification documents or identifying information were used to avoid summons, arrest, prosecution, or to impede a criminal investigation shall be punishable as a Class 6 felony. In any proceeding brought pursuant to this section, the crime shall be considered to have been committed in any locality where the person whose identifying information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in such locality.**F. Upon conviction, in addition to any other punishment, a person found guilty of this offense shall be ordered by the court to make restitution as the court deems appropriate to any person whose identifying information was appropriated.***2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$ in FY .**HOUSE
SUBSTITUTE

HB373H1