

2005 SESSION

INTRODUCED

057941104

SENATE BILL NO. 1147

Offered January 12, 2005

Prefiled January 12, 2005

A BILL to amend the Code of Virginia by adding a section numbered 18.2-152.5:1, relating to computer crimes; phishing; penalty.

Patron—Obenshain

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-152.5:1 as follows:

§ 18.2-152.5:1. Gathering personal information by deception (phishing); penalty.

A. Any person who with the intent to defraud another person of identifying information, as defined in clauses (iii) through (xiii) of subsection C of § 18.2-186.3, obtains, records, or accesses such identifying information from a computer or computer network by means of a knowing misrepresentation as to the identity or authority of the person requesting the information shall be guilty of a Class 6 felony.

B. Any person who violates the provisions of subsection A and sells or distributes such information to another or uses such information in the commission of another crime shall be guilty of a Class 5 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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