

2006 SESSION

INTRODUCED

066067340

HOUSE BILL NO. 1009

Offered January 11, 2006

Prefiled January 11, 2006

A *BILL to amend the Code of Virginia by adding in Chapter 14 of Title 8.01 an article numbered 2.1, consisting of sections numbered 8.01-391.1 and 8.01-391.2, relating to the creation of the Check 21 Evidence Act.*

Patron—Hurt

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 in Chapter 14 of Title 8.01 an article numbered 2.1, consisting of sections numbered 8.01-391.1 and 8.01-391.2 as follows:

Article 2.1.

Check 21 Evidence Act.

§ 8.01-391.1. Title.

This article shall be known and may be cited as the Check 21 Evidence Act.

§ 8.01-391.2. Substitute checks as evidence.

A. A substitute check created pursuant to the federal Check 21 Act, 12 U.S.C. § 5001 et seq., shall be admissible in evidence in any legal proceeding, civil or criminal, to the same extent the original check would be.

B. A document received from a banking institution that is designated as a "substitute check" and that bears the legend "This is a legal copy of your check. You can use it the same way you would use the original check" shall be presumed to be a substitute check created pursuant to the federal Check 21 Act.

C. Any person who shall forge a substitute check or utter or attempt to employ as true any forged substitute check shall be punished as provided in § 18.2-172.

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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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