

2006 SESSION

HOUSE SUBSTITUTE

062860204

HOUSE BILL NO. 1009

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on January 23, 2006)

(Patron Prior to Substitute—Delegate Hurt)

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

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 a section numbered 8.01-391.1 as follows:

Article 2.1.

Check 21 Evidence Act.

§ 8.01-391.1. 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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