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## HOUSE BILL NO. 1049

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice  
on January 27, 2006)

(Patron Prior to Substitute—Delegate Reid)

A BILL to amend and reenact §§ 18.2-204.1 and 18.2-204.2 of the Code of Virginia, relating to fraudulent use of birth certificate, etc., penalties.

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-204.1 and 18.2-204.2 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-204.1. Fraudulent use of birth certificates, etc.; penalty.

A. ~~It shall be unlawful for any person to obtain, possess, sell, or transfer~~ Any person who possesses, sells, offers or advertises for sale, or transfers the birth certificate of another for the purpose of establishing a false identity for himself or for another person is guilty of a Class 6 felony. However, a person is guilty of a Class 5 felony who possesses, sells, offers or advertises for sale, or transfers the birth certificate of another with the intent to use such certificate to:

1. Purchase or enable another to purchase a firearm; or

2. Procure or enable another to procure employment.

B. ~~It shall be unlawful for any person to obtain, possess, sell, or transfer~~ Except as provided in subsection A, any person who possesses, sells, offers or advertises for sale, or transfers any document for the purpose of establishing a false status, occupation, membership, license or identity for himself or any other person is guilty of a Class 1 misdemeanor. However, a person is guilty of a Class 6 felony who possesses, sells, offers or advertises for sale, or transfers such document with the intent to use the document to:

1. Purchase or enable another to purchase a firearm; or

2. Procure or enable another to procure employment.

C. Any person who violates the provisions of this section is guilty of a Class 1 misdemeanor, except when the birth certificate or document is obtained, possessed, sold, or transferred with the intent to use such certificate or document to purchase a firearm, in which case a violation of this section shall be punishable as a Class 6 felony.

~~D.~~ The provisions of this section shall not apply to members of state, federal, county, city or town law-enforcement agencies in the performance of their duties.

§ 18.2-204.2. Manufacture, sale, etc., or possession of fictitious, facsimile, or simulated visa, passport, driver's license, or identification.

A. It shall be unlawful for any person to manufacture, advertise for sale, sell or possess any fictitious, facsimile or simulated driver's license issued by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any foreign country or government; United States Armed Forces identification card; United States passport or foreign government visa; Virginia Department of Motor Vehicles special identification card; official identification issued by any other federal, state or foreign government agency; or official university or college student identification card, or in any way reproduce any identification card or facsimile thereof in such a manner that it could be mistaken for a valid license or identification of any type specified in this subsection.

B. Any person ~~manufacturing, advertising for sale, selling or reproducing~~ who possesses, manufactures, sells, offers or advertises for sale, transfers or reproduces any such card or facsimile thereof ~~shall be~~ is guilty of a Class 1 misdemeanor.

~~C. Any person possessing any such card or facsimile thereof shall be guilty of a Class 2 misdemeanor.~~

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.