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HOUSE BILL NO. 2772

Offered January 10, 2007

Prefiled January 10, 2007

A BILL to amend and reenact §§ 18.2-186 and 18.2-195.2 of the Code of Virginia, relating to false statements to obtain property or credit; fraudulent credit card application; penalty.

Patron—Hurt

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-186 and 18.2-195.2 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-186. False statements to obtain property or credit.

A. A person shall be guilty of a Class 2 misdemeanor if he makes, causes to be made or conspires to make directly, indirectly or through an agency, any materially false statement in writing, knowing it to be false and intending that it be relied upon, concerning the financial condition or means or ability to pay of himself, or of any other person for whom he is acting, or any firm or corporation in which he is interested or for which he is acting, for the purpose of procuring, for his own benefit or for the benefit of such person, firm or corporation, the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount, sale or endorsement of a bill of exchange or promissory note.

B. Any person who knows that a false statement has been made in writing concerning the financial condition or ability to pay of himself or of any person for whom he is acting, or any firm or corporation in which he is interested or for which he is acting and who, with intent to defraud, procures, upon the faith thereof, for his own benefit, or for the benefit of the person, firm or corporation in which he is interested or for which he is acting, any such delivery, payment, loan, credit, extension, discount making, acceptance, sale or endorsement, and fails to pay for such loan, credit or benefit so procured, shall, if the value of the thing or the amount of the loan, credit or benefit obtained is \$200 or more, be guilty of grand larceny or, if the value is less than \$200, be guilty of a Class 4 misdemeanor petit larceny.

C. Venue for the trial of any person charged with an offense under this section may be in the county or city in which (i) any act was performed in furtherance of the offense, or (ii) the person charged with the offense resided at the time of the offense.

D. As used in this section, "in writing" shall include information transmitted, other than by voice transmission, by computer, facsimile, e-mail, Internet, or any other electronic or optical medium.

§ 18.2-195.2. Fraudulent application for credit card; penalties.

A. A person shall be guilty of a Class 2 misdemeanor if he makes, causes to be made or conspires to make, directly, indirectly or through an agency, any materially false statement in writing concerning the financial condition or means or ability to pay of himself or of any other person for whom he is acting or any firm or corporation in which he is interested or for which he is acting, knowing the statement to be false and intending that it be relied upon for the purpose of procuring a credit card. However, if the statement is made in response to a *an unrequested* written solicitation from the issuer or an agent of the issuer to apply for a credit card, he shall be guilty of a Class 4 misdemeanor.

B. A person who knows that a false statement has been made in writing concerning the financial condition or ability to pay of himself or of any person for whom he is acting or any firm or corporation in which he is interested or for which he is acting and who ~~(i)~~ with intent to defraud, procures a credit card, upon the faith ~~thereof~~ of such false statement, for his own benefit, or for the benefit of the person, firm or corporation in which he is interested or for which he is acting, and ~~(ii) fails to pay for obtains~~ by use of the credit card, money, property, services or any thing of value obtained by use of the credit card, shall be guilty of grand larceny if the value ~~so of whatever~~ is obtained is \$200 or more or a Class 4 misdemeanor petit larceny if the value is less than \$200.

C. As used in this section, "in writing" shall include information transmitted, other than by voice transmission, by computer, facsimile, e-mail, Internet, or any other electronic or optical medium.

INTRODUCED

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