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HOUSE BILL NO. 1362

Offered January 9, 2008

Prefiled January 9, 2008

A BILL to amend and reenact § 18.2-112 of the Code of Virginia, relating to embezzlement of public or other funds.

Patrons—Cline, Athey, Carrico, Cole, Massie, Merricks and Sherwood

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-112 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-112. Embezzlement by officers, etc., of public or other funds; default in paying over funds evidence of guilt.

A. ~~If any~~ *Any* officer, agent or employee of the Commonwealth or of any city, town, county, or any other political subdivision, or the deputy of any such officer having custody *or control* of public funds, *public assets,* or other funds coming into his custody *or control* under his official capacity, *who* knowingly ~~misuse~~*misuses* or ~~misappropriate~~*misappropriates* the same or knowingly ~~dispose~~*disposes* thereof otherwise than in accordance with law, ~~he shall be~~ *is* guilty of a Class 4 felony~~; and any~~. *Any* default of such officer, agent, employee or deputy in paying over any such funds to the proper authorities when required by law to do so shall be deemed prima facie evidence of his guilt.

B. For the purposes of this section, "public assets" shall include, but not be limited to, accounts, documents, resources, equipment, records, materials, vouchers, property, personnel resources, services, money, or anything of value belonging or owed to the Commonwealth, to any city, town or county, or to any other political subdivision.

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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