

10102337D

HOUSE BILL NO. 932

Offered January 13, 2010

Prefiled January 13, 2010

A *BILL to amend and reenact §§ 2.2-511, 18.2-152.5, 18.2-152.5:1, 18.2-186.3, 18.2-186.3:1, 18.2-186.4, 18.2-186.5, 19.2-8, 19.2-349, 42.1-86.1, and 58.1-4018.1 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 18.2-186.3:01, 18.2-186.3:02, and 18.2-186.3:03, relating to identity theft.*

Patron—Bell, Robert B.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-511, 18.2-152.5, 18.2-152.5:1, 18.2-186.3, 18.2-186.3:1, 18.2-186.4, 18.2-186.5, 19.2-8, 19.2-349, 42.1-86.1, and 58.1-4018.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 18.2-186.3:01, 18.2-186.3:02, and 18.2-186.3:03 as follows:

§ 2.2-511. Criminal cases.

A. Unless specifically requested by the Governor to do so, the Attorney General shall have no authority to institute or conduct criminal prosecutions in the circuit courts of the Commonwealth except in cases involving (i) violations of the Alcoholic Beverage Control Act (§ 4.1-100 et seq.), (ii) violation of laws relating to elections and the electoral process as provided in § 24.2-104, (iii) violation of laws relating to motor vehicles and their operation, (iv) the handling of funds by a state bureau, institution, commission or department, (v) the theft of state property, (vi) violation of the criminal laws involving child pornography and sexually explicit visual material involving children, (vii) the practice of law without being duly authorized or licensed or the illegal practice of law, (viii) violations of § 3.2-4212 or 58.1-1008.2, (ix) with the concurrence of the local attorney for the Commonwealth, violations of the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.), (x) with the concurrence of the local attorney for the Commonwealth, violations of the Air Pollution Control Law (§ 10.1-1300 et seq.), the Virginia Waste Management Act (§ 10.1-1400 et seq.), and the State Water Control Law (§ 62.1-44.2 et seq.), (xi) with the concurrence of the local attorney for the Commonwealth, violations of Chapters 2 (§ 18.2-18 et seq.), 3 (§ 18.2-22 et seq.), and 10 (§ 18.2-434 et seq.) of Title 18.2, if such crimes relate to violations of law listed in clause (x) of this subsection, (xii) with the concurrence of the local attorney for the Commonwealth, criminal violations by Medicaid providers or their employees in the course of doing business, or violations of Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, in which cases the Attorney General may leave the prosecution to the local attorney for the Commonwealth, or he may institute proceedings by information, presentment or indictment, as appropriate, and conduct the same, (xiii) with the concurrence of the local attorney for the Commonwealth, violations of Article 9 (§ 18.2-246.1 et seq.) of Chapter 6 of Title 18.2, (xiv) with the concurrence of the local attorney for the Commonwealth, assisting in the prosecution of violations of §§ 18.2-186.3, 18.2-186.3:01, 18.2-186.3:02, 18.2-186.3:03, and 18.2-186.4, (xv) with the concurrence of the local attorney for the Commonwealth, assisting in the prosecution of violations of § 18.2-46.2, 18.2-46.3, or 18.2-46.5 when such violations are committed on the grounds of a state correctional facility, and (xvi) with the concurrence of the local attorney for the Commonwealth, assisting in the prosecution of violations of Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 of Title 18.2.

In all other criminal cases in the circuit courts, except where the law provides otherwise, the authority of the Attorney General to appear or participate in the proceedings shall not attach unless and until a petition for appeal has been granted by the Court of Appeals or a writ of error has been granted by the Supreme Court. In all criminal cases before the Court of Appeals or the Supreme Court in which the Commonwealth is a party or is directly interested, the Attorney General shall appear and represent the Commonwealth. In any criminal case in which a petition for appeal has been granted by the Court of Appeals, the Attorney General shall continue to represent the Commonwealth in any further appeal of a case from the Court of Appeals to the Supreme Court.

B. The Attorney General shall, upon request of a person who was the victim of a crime and subject to such reasonable procedures as the Attorney General may require, ensure that such person is given notice of the filing, of the date, time and place and of the disposition of any appeal or habeas corpus proceeding involving the cases in which such person was a victim. For the purposes of this section, a victim is an individual who has suffered physical, psychological or economic harm as a direct result of the commission of a crime; a spouse, child, parent or legal guardian of a minor or incapacitated victim;

INTRODUCED

HB932

59 or a spouse, child, parent or legal guardian of a victim of a homicide. Nothing in this subsection shall
60 confer upon any person a right to appeal or modify any decision in a criminal, appellate or habeas
61 corpus proceeding; abridge any right guaranteed by law; or create any cause of action for damages
62 against the Commonwealth or any of its political subdivisions, the Attorney General or any of his
63 employees or agents, any other officer, employee or agent of the Commonwealth or any of its political
64 subdivisions, or any officer of the court.

65 § 18.2-152.5. Computer invasion of privacy; penalties.

66 A. A person is guilty of the crime of computer invasion of privacy when he uses a computer or
67 computer network and intentionally examines without authority any employment, salary, credit or any
68 other financial or identifying information, as defined in clauses (iii) through (xiii) of subsection C
69 subdivision A 1 of § 18.2-186.3, relating to any other person. "Examination" under this section requires
70 the offender to review the information relating to any other person after the time at which the offender
71 knows or should know that he is without authority to view the information displayed.

72 B. The crime of computer invasion of privacy shall be punishable as a Class 1 misdemeanor.

73 C. Any person who violates this section after having been previously convicted of a violation of this
74 section or any substantially similar laws of any other state or of the United States is guilty of a Class 6
75 felony.

76 D. Any person who violates this section and sells or distributes such information to another is guilty
77 of a Class 6 felony.

78 E. Any person who violates this section and uses such information in the commission of another
79 crime is guilty of a Class 6 felony.

80 F. This section shall not apply to any person collecting information that is reasonably needed to (i)
81 protect the security of a computer, computer service, or computer business, or to facilitate diagnostics or
82 repair in connection with such computer, computer service, or computer business or (ii) determine
83 whether the computer user is licensed or authorized to use specific computer software or a specific
84 computer service.

85 § 18.2-152.5:1. Using a computer to gather identifying information; penalties.

86 A. It is unlawful for any person, other than a law-enforcement officer, as defined in § 9.1-101, and
87 acting in the performance of his official duties, to use a computer to obtain, access, or record, through
88 the use of material artifice, trickery or deception, any identifying information, as defined in clauses (iii)
89 through (xiii) of subsection C subdivision A 1 of § 18.2-186.3. Any person who violates this section is
90 guilty of a Class 6 felony.

91 B. Any person who violates this section and sells or distributes such information to another is guilty
92 of a Class 5 felony.

93 C. Any person who violates this section and uses such information in the commission of another
94 crime is guilty of a Class 5 felony.

95 § 18.2-186.3. Identity theft; general provisions.

96 A. It shall be unlawful for any person, without the authorization or permission of the person or
97 persons who are the subjects of the identifying information, with the intent to defraud, for his own use
98 or the use of a third person, to:

99 1. Obtain, record or access identifying information which is not available to the general public that
100 would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of
101 such other person;

102 2. Obtain money, credit, loans, goods or services through the use of identifying information of such
103 other person;

104 3. Obtain identification documents in such other person's name; or

105 4. Obtain, record or access identifying information while impersonating a law-enforcement officer or
106 an official of the government of the Commonwealth.

107 B. It shall be unlawful for any person without the authorization or permission of the person who is
108 the subject of the identifying information, with the intent to sell or distribute the information to another
109 to:

110 1. Fraudulently obtain, record or access identifying information that is not available to the general
111 public that would assist in accessing financial resources, obtaining identification documents, or obtaining
112 benefits of such other person;

113 2. Obtain money, credit, loans, goods or services through the use of identifying information of such
114 other person;

115 3. Obtain identification documents in such other person's name; or

116 4. Obtain, record or access identifying information while impersonating a law-enforcement officer or
117 an official of the Commonwealth.

118 B.1. It shall be unlawful for any person to use identification documents or identifying information of
119 another person, whether that person is dead or alive, or of a false or fictitious person, to avoid
120 summons, arrest, prosecution or to impede a criminal investigation.

C. As used in this section, "identifying" means the following provisions of this section apply to §§ 18.2-186.3:01, 18.2-186.3:02, and 18.2-186.3:03.

1. "Identifying information" shall include but not be limited to: (i) name; (ii) date of birth; (iii) social security number; (iv) driver's license number; (v) bank account numbers; (vi) credit or debit card numbers; (vii) personal identification numbers (PIN); (viii) electronic identification codes; (ix) automated or electronic signatures; (x) biometric data; (xi) fingerprints; (xii) passwords; or (xiii) any other numbers or information that can be used to access a person's financial resources, obtain identification, act as identification, or obtain money, credit, loans, goods or services.

D. Violations of this section shall be punishable as a Class 1 misdemeanor. Any violation resulting in financial loss of greater than \$200 shall be punishable as a Class 6 felony. Any second or subsequent conviction shall be punishable as a Class 6 felony. Any violation of subsection B where five or more persons' identifying information has been obtained, recorded, or accessed in the same transaction or occurrence shall be punishable as a Class 6 felony. Any violation of subsection B where 50 or more persons' identifying information has been obtained, recorded, or accessed in the same transaction or occurrence shall be punishable as a Class 5 felony. Any violation resulting in the arrest and detention of the person whose identification documents or identifying information were used to avoid summons, arrest, prosecution, or to impede a criminal investigation shall be punishable as a Class 6 felony.

2. In any proceeding brought pursuant to this section, the crime shall be considered to have been committed in any locality where the person whose identifying information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in such locality.

E3. Upon conviction, in addition to any other punishment, a person found guilty of this an identity theft offense shall be ordered by the court to make restitution as the court deems appropriate to any person whose identifying information was appropriated or to the estate of such person. Such restitution may include the person's or his estate's actual expenses associated with correcting inaccuracies or errors in his credit report or other identifying information.

FB. Upon the request of a person whose identifying information was appropriated, the Attorney General may provide assistance to the victim in obtaining information necessary to correct inaccuracies or errors in his credit report or other identifying information; however, no legal representation shall be afforded such person.

§ 18.2-186.3:01. Identity theft, distribution.

A. It is unlawful for any person, without the authorization or permission of the person who is the subject of the identifying information, with the intent to sell or distribute the information to another, to:

1. Fraudulently obtain, record, or access identifying information that is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person; or

2. Obtain identification documents in such other person's name.

B. A violation of this section is punishable as a Class 4 felony.

§ 18.2-186.3:02. Aggravated identity theft offense.

A. It is unlawful for any person, without the authorization or permission of the person or persons who are the subjects of the identifying information, with the intent to defraud, for his own use or the use of a third person, to:

1. Obtain money, goods, or services through the use of identifying information of such other person;

2. Obtain, record, or access identifying information while impersonating a law-enforcement officer or an official of the government of the Commonwealth; or

3. Use identification documents or identifying information of another person, whether that person is dead or alive, or of a false or fictitious person, to avoid summons, arrest, or prosecution, or to impede a criminal investigation.

B. A violation of this section is punishable as a Class 5 felony.

§ 18.2-186.3:03. Identity theft offense.

A. It is unlawful for any person, without the authorization or permission of the person or persons who are the subjects of the identifying information, with the intent to defraud, for his own use or the use of a third person, to:

1. Obtain, record, or access identifying information which is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person; or

2. Obtain identification documents in such other person's name.

B. A violation of subdivision A 1 is punishable as a Class 2 misdemeanor. A violation of subdivision A 2 is punishable as a Class 1 misdemeanor.

§ 18.2-186.3:1. Identity fraud; consumer reporting agencies; police reports.

A. A consumer may report a case of identity theft to the law-enforcement agency in the jurisdiction

182 where he resides. If a consumer, as defined by the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq.,
183 submits to a consumer reporting agency, as defined by the Fair Credit Reporting Act, 15 U.S.C. § 1681
184 et seq., a copy of a valid police report, the consumer reporting agency shall, within 30 days of receipt
185 thereof, block the reporting of any information that the consumer alleges appears on his credit report, as
186 defined by the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq., as a result of a violation of
187 § 18.2-186.3. The consumer reporting agency shall promptly notify the furnisher of the information that
188 a police report has been filed, that a block has been requested, and the effective date of the block.

189 B. Consumer reporting agencies may decline to block or may rescind any block of consumer
190 information if, in the exercise of good faith and reasonable judgment, the consumer reporting agency
191 believes that: (i) the information was blocked due to a misrepresentation of a material fact by the
192 consumer; (ii) the information was blocked due to fraud, in which the consumer participated, or of
193 which the consumer had knowledge, and which may for purposes of this section be demonstrated by
194 circumstantial evidence; (iii) the consumer agrees that portions of the blocked information or all of it
195 were blocked in error; (iv) the consumer knowingly obtained or should have known that he obtained
196 possession of goods, services, or moneys as a result of the blocked transaction or transactions; or (v) the
197 consumer reporting agency, in the exercise of good faith and reasonable judgment, has substantial reason
198 based on specific, verifiable facts to doubt the authenticity of the consumer's report of a violation of
199 § 18.2-186.3, *18.2-186.3:01*, *18.2-186.3:02*, or *18.2-186.3:03*.

200 C. If blocked information is unblocked pursuant to this section, the consumer shall be notified in the
201 same manner as consumers are notified of the reinsertion of information pursuant to the Fair Credit
202 Reporting Act at 15 U.S.C. § 1681i, as amended. The prior presence of the blocked information in the
203 consumer reporting agency's file on the consumer is not evidence of whether the consumer knew or
204 should have known that he obtained possession of any goods, services, or moneys.

205 D. A consumer reporting agency shall accept the consumer's version of the disputed information and
206 correct the disputed item when the consumer submits to the consumer reporting agency documentation
207 obtained from the source of the item in dispute or from public records confirming that the report was
208 inaccurate or incomplete, unless the consumer reporting agency, in the exercise of good faith and
209 reasonable judgment, has substantial reason based on specific, verifiable facts to doubt the authenticity
210 of the documentation submitted and notifies the consumer in writing of that decision, explaining its
211 reasons for unblocking the information and setting forth the specific, verifiable facts on which the
212 decision is based.

213 E. A consumer reporting agency shall delete from a consumer credit report inquiries for credit reports
214 based upon credit requests that the consumer reporting agency verifies were initiated as a result of a
215 violation of § 18.2-186.3.

216 F. The provisions of this section do not apply to (i) a consumer reporting agency that acts as a
217 reseller of credit information by assembling and merging information contained in the databases of other
218 consumer reporting agencies, and that does not maintain a permanent database of credit information
219 from which new consumer credit reports are produced, (ii) a check services or fraud prevention services
220 company that issues reports on incidents of fraud or authorizations for the purpose of approving or
221 processing negotiable instruments, electronic funds transfers, or similar payment methods, or (iii) a
222 demand deposit account information service company that issues reports regarding account closures due
223 to fraud, substantial overdrafts, automatic teller machine abuse or similar negative information regarding
224 a consumer to inquiring banks or other financial institutions for use only in reviewing a consumer
225 request for a demand deposit account at the inquiring bank or financial institution.

226 § 18.2-186.4. Use of a person's identity with the intent to coerce, intimidate, or harass; penalty.

227 It shall be unlawful for any person, with the intent to coerce, intimidate, or harass another person, to
228 publish the person's name or photograph along with identifying information as defined in clauses (iii)
229 through (ix), or clause (xii) of ~~subsection C~~ *subdivision A 1* of § 18.2-186.3, including identification of
230 the person's primary residence address. Any person who violates this section is guilty of a Class 1
231 misdemeanor.

232 Any person who violates this section knowing or having reason to know that person is a
233 law-enforcement officer, as defined in § 9.1-101, is guilty of a Class 6 felony. The sentence shall
234 include a mandatory minimum term of confinement of six months.

235 § 18.2-186.5. Expungement of false identity information from police and court records; Identity Theft
236 Passport.

237 Any person whose name or other identification has been used without his consent or authorization by
238 another person who has been charged or arrested using such name or identification may file a petition
239 with the court for relief pursuant to § 19.2-392.2. A person who has petitioned the court pursuant to
240 § 19.2-392.2 as a result of a violation of § 18.2-186.3, *18.2-186.3:01*, *18.2-186.3:02*, or *18.2-186.3:03*,
241 may submit to the Attorney General a certified copy of a court order obtained pursuant to § 19.2-392.2.
242 Upon receipt by the Attorney General of a certified copy of the court order and upon request by such
243 person, the Office of the Attorney General, in cooperation with the State Police, shall issue an "Identity

Theft Passport" stating that such an order has been submitted. The Office of the Attorney General shall provide access to identity theft information to (i) criminal justice agencies and (ii) individuals who have submitted a court order pursuant to this section. When the Office of the Attorney General issues an Identity Theft Passport, it shall transmit a record of the issuance of the passport to the Department of Motor Vehicles. The Department shall note on the individual's driver abstract that a court order was obtained pursuant to § 19.2-392.2 and that an Identity Theft Passport has been issued.

§ 19.2-8. Limitation of prosecutions.

A prosecution for a misdemeanor, or any pecuniary fine, forfeiture, penalty or amercement, shall be commenced within one year next after there was cause therefor, except that a prosecution for petit larceny may be commenced within five years, and for an attempt to produce abortion, within two years after commission of the offense.

A prosecution for violation of laws governing the placement of children for adoption without a license pursuant to § 63.2-1701 shall be commenced within one year from the date of the filing of the petition for adoption.

A prosecution for making a false statement or representation of a material fact knowing it to be false or knowingly failing to disclose a material fact, to obtain or increase any benefit or other payment under the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.) shall be commenced within three years next after the commission of the offense.

A prosecution for any violation of § 10.1-1320, 62.1-44.32 (b), 62.1-194.1, or Article 11 (§ 62.1-44.34:14 et seq.) of Chapter 3.1 of Title 62.1 that involves the discharge, dumping or emission of any toxic substance as defined in § 32.1-239 shall be commenced within three years next after the commission of the offense.

Prosecution of Building Code violations under § 36-106 shall commence within one year of discovery of the offense by the owner or by the building official; provided that such discovery occurs within two years of the date of initial occupancy or use after construction of the building or structure, or the issuance of a certificate of use and occupancy for the building or structure, whichever is later. However, prosecutions under § 36-106 relating to the maintenance of existing buildings or structures as contained in the Uniform Statewide Building Code shall commence within one year of the discovery of the offense.

Prosecution of any misdemeanor violation of § 54.1-111 shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense.

Prosecution of nonfelonious offenses which constitute malfeasance in office shall commence within two years next after the commission of the offense.

Prosecution of any violation of § 55-79.87, 55-79.88, 55-79.89, 55-79.90, 55-79.93, 55-79.94, 55-79.95, 55-79.103, or any rule adopted under or order issued pursuant to § 55-79.98, shall commence within three years next after the commission of the offense.

Prosecution of illegal sales or purchases of wild birds, wild animals and freshwater fish under § 29.1-553 shall commence within three years after commission of the offense.

Prosecution of violations under Title 58.1 for offenses involving false or fraudulent statements, documents or returns, or for the offense of willfully attempting in any manner to evade or defeat any tax or the payment thereof, or for the offense of willfully failing to pay any tax, or willfully failing to make any return at the time or times required by law or regulations shall commence within three years next after the commission of the offense, unless a longer period is otherwise prescribed.

Prosecution of violations of subsection A or B of § 3.2-6570 shall commence within five years of the commission of the offense, except violations regarding agricultural animals shall commence within one year of the commission of the offense.

A prosecution for a violation of § 18.2-386.1 shall be commenced within five years of the commission of the offense.

A prosecution for any violation of the Campaign Finance Disclosure Act, Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2, shall commence within one year of the discovery of the offense but in no case more than three years after the date of the commission of the offense.

A prosecution of a crime that is punishable as a misdemeanor pursuant to the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.) or *for any offense punishable as identity theft* pursuant to § 18.2-186.3, 18.2-186.3:01, 18.2-186.3:02, or 18.2-186.3:03, ~~for identity theft~~ shall be commenced before the earlier of (i) five years after the commission of the last act in the course of conduct constituting a violation of the article or (ii) one year after the existence of the illegal act and the identity of the offender are discovered by the Commonwealth, by the owner, or by anyone else who is damaged by such violation.

Nothing in this section shall be construed to apply to any person fleeing from justice or concealing himself within or without the Commonwealth to avoid arrest or be construed to limit the time within

305 which any prosecution may be commenced for desertion of a spouse or child or for neglect or refusal or
306 failure to provide for the support and maintenance of a spouse or child.

307 § 19.2-349. Responsibility for collections; clerks to report unsatisfied fines, etc.; duty of attorneys for
308 Commonwealth; duties of Department of Taxation.

309 A. The clerk of the circuit court and district court of every county and city shall submit to the judge
310 of his court, the Department of Taxation, the State Compensation Board and the attorney for the
311 Commonwealth of his county or city a monthly report of all fines, costs, forfeitures and penalties which
312 are delinquent more than 30 days, including court-ordered restitution of a sum certain, imposed in his
313 court for a violation of state law or a local ordinance which remain unsatisfied, including those which
314 are delinquent in installment payments. The monthly report shall include the social security number or
315 driver's license number of the defendant, if known, and such other information as the Department of
316 Taxation and the Compensation Board deem appropriate. The Executive Secretary shall make the report
317 required by this subsection on behalf of those clerks who participate in the Supreme Court's automated
318 information system.

319 B. It shall be the duty of the attorney for the Commonwealth to cause proper proceedings to be
320 instituted for the collection and satisfaction of all fines, costs, forfeitures, penalties and restitution. The
321 attorney for the Commonwealth shall determine whether it would be impractical or uneconomical for
322 such service to be rendered by the office of the attorney for the Commonwealth. If the defendant does
323 not enter into an installment payment agreement under § 19.2-354, the attorney for the Commonwealth
324 and the clerk may agree to a process by which collection activity may be commenced 15 days after
325 judgment.

326 If the attorney for the Commonwealth does not undertake collection, he shall contract with (i) private
327 attorneys or private collection agencies, (ii) enter into an agreement with a local governing body, (iii)
328 enter into an agreement with the county or city treasurer, or (iv) use the services of the Department of
329 Taxation, upon such terms and conditions as may be established by guidelines promulgated by the
330 Office of the Attorney General, the Executive Secretary of the Supreme Court with the Department of
331 Taxation and the Compensation Board. If the attorney for the Commonwealth undertakes collection, he
332 shall follow the procedures established by the Department of Taxation and the Compensation Board.
333 Such guidelines shall not supersede contracts between attorneys for the Commonwealth and private
334 attorneys and collection agencies when active collection efforts are being undertaken. As part of such
335 contract, private attorneys or collection agencies shall be given access to the social security number of
336 the defendant in order to assist in the collection effort. Any such private attorney shall be subject to the
337 penalties and provisions of §§ 18.2-186.3, 18.2-186.3:01, 18.2-186.3:02, and 18.2-186.3:03.

338 The fees of any private attorneys or collection agencies shall be paid on a contingency fee basis out
339 of the proceeds of the amounts collected. However, in no event shall such attorney or collection agency
340 receive a fee for amounts collected by the Department of Taxation under the Setoff Debt Collection Act
341 (§ 58.1-520 et seq.). A local treasurer undertaking collection pursuant to an agreement with the attorney
342 for the Commonwealth may collect the administrative fee authorized by § 58.1-3958.

343 C. The Department of Taxation and the State Compensation Board shall be responsible for the
344 collection of any judgment which remains unsatisfied or does not meet the conditions of § 19.2-354.
345 Persons owing such unsatisfied judgments or failing to comply with installment payment agreements
346 under § 19.2-354 shall be subject to the delinquent tax collection provisions of Title 58.1. The
347 Department of Taxation and the State Compensation Board shall establish procedures to be followed by
348 clerks of courts, attorneys for the Commonwealth, other state agencies and any private attorneys or
349 collection agents and may employ private attorneys or collection agencies, or engage other state agencies
350 to collect the judgment. The Department of Taxation and the Commonwealth shall be entitled to deduct
351 a fee for services from amounts collected for violations of local ordinances.

352 The Department of Taxation and the State Compensation Board shall annually report to the Governor
353 and the General Assembly the total of fines, costs, forfeitures and penalties assessed, collected, and
354 unpaid and those which remain unsatisfied or do not meet the conditions of § 19.2-354 by each circuit
355 and district court. The report shall include the procedures established by the Department of Taxation and
356 the State Compensation Board pursuant to this section and a plan for increasing the collection of unpaid
357 fines, costs, forfeitures and penalties. The Auditor of Public Accounts shall annually report to the
358 Governor, the Executive Secretary of the Supreme Court and the General Assembly as to the adherence
359 of clerks of courts, attorneys for the Commonwealth and other state agencies to the procedures
360 established by the Department of Taxation and the State Compensation Board.

361 § 42.1-86.1. Disposition of public records.

362 A. No agency shall sell or give away public records. No agency shall destroy or discard a public
363 record unless (i) the record appears on a records retention and disposition schedule approved pursuant to
364 § 42.1-82 and the record's retention period has expired; (ii) a certificate of records destruction, as
365 designated by the Librarian of Virginia, has been properly completed and approved by the agency's
366 designated records officer; and (iii) there is no litigation, audit, investigation, request for records

pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), or renegotiation of the relevant records retention and disposition schedule pending at the expiration of the retention period for the applicable records series. After a record is destroyed or discarded, the agency shall forward the original certificate of records destruction to The Library of Virginia.

B. No agency shall destroy any public record created before 1912 without first offering it to The Library of Virginia.

C. Each agency shall ensure that records created after July 1, 2006 and authorized to be destroyed or discarded in accordance with subsection A, are destroyed or discarded in a timely manner in accordance with the provisions of this chapter; provided, however, such records that contain identifying information as defined in clauses (iii) through (ix), or clause (xii) of ~~subsection C~~ *subdivision A 1* of § 18.2-186.3, shall be destroyed within six months of the expiration of the records retention period.

§ 58.1-4018.1. Larceny of tickets; fraudulent notification of prizes; penalty.

A. Any person who steals or otherwise unlawfully converts to his own or another's use a lottery ticket, prize, share, or portion thereof shall be guilty of larceny. For purposes of this subsection, the value of a lottery ticket, prize, share, or portion thereof shall be deemed to be the greater of its face amount or its redemption value.

B. Any person who, with intent to defraud, steal, embezzle, or violate the provisions of §§ 18.2-186.3, § 18.2-186.3:01, 18.2-186.3:02, or 18.2-186.3:03, designs, makes, prints, or otherwise produces, in whole or in part, a document or writing, whether in printed or electronic form, which falsely purports to be correspondence from or on behalf of the lottery shall be guilty of a Class 5 felony.

Jurisdiction shall lie and prosecution may proceed under this subsection in any county or city (i) in which the document was created; (ii) from which it was sent, regardless of the form of delivery; or (iii) in which it was received, regardless of the form of delivery.

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; therefore, Chapter 781 of the Acts of Assembly of 2009 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.