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SENATE BILL NO. 108**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee for Courts of Justice
on January 23, 2012)

(Patron Prior to Substitute—Senator Edwards)

A BILL to amend and reenact §§ 18.2-111 and 26-94 of the Code of Virginia, relating to power of attorney; embezzlement by agent; penalty.

Be it enacted by the General Assembly of Virginia:**1. That §§ 18.2-111 and 26-94 of the Code of Virginia are amended and reenacted as follows:**

§ 18.2-111. Embezzlement deemed larceny; indictment.

If any person wrongfully and fraudulently use, dispose of, conceal or embezzle any money, bill, note, check, order, draft, bond, receipt, bill of lading or any other personal property, tangible or intangible, which he shall have received for another or for his employer, principal or bailor, or by virtue of his office, trust, or employment, or which shall have been entrusted or delivered to him by another or by any court, corporation or company, he shall be guilty of embezzlement. Proof of embezzlement shall be sufficient to sustain the charge of larceny. Any person convicted hereunder shall be deemed guilty of larceny and may be indicted as for larceny and upon conviction shall be punished as provided in § 18.2-95 or § 18.2-96. *An agent under the Uniform Power of Attorney Act (§ 26-72 et seq.) that violates the Uniform Power of Attorney Act with the intent to defraud the principal, and thereby converts funds or other property of the principal, is guilty of embezzlement.*

§ 26-94. Remedies under other law.

The remedies under this act are not exclusive and do not abrogate any right or remedy, or penalty, including a court-supervised accounting or criminal prosecution, under the laws of the Commonwealth other than this act.

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 890 of the Acts of Assembly of 2011 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.