

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend the Code of Virginia by adding a section numbered 18.2-178.1, relating to financial
3 exploitation of incapacitated persons; penalty.

4 [H 1682]
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That the Code of Virginia is amended by adding a section numbered 18.2-178.1 as follows:**

8 **§ 18.2-178.1. Financial exploitation of mentally incapacitated persons; penalty.**

9 *A. It is unlawful for any person who knows or should know that another person suffers from mental
10 incapacity to, through the use of that other person's mental incapacity, take, obtain, or convert money
11 or other thing of value belonging to that other person with the intent to permanently deprive him
12 thereof. Any person who violates this section shall be deemed guilty of larceny.*

13 *B. Venue for the trial of an accused charged with a violation of this section shall be in any county
14 or city in which (i) any act was performed in furtherance of the offense or (ii) the accused resided at
15 the time of the offense.*

16 *C. This section shall not apply to a transaction or disposition of money or other thing of value in
17 which the accused acted for the benefit of the person with mental incapacity or made a good faith effort
18 to assist such person with the management of his money or other thing of value.*

19 *D. As used in this section, "mental incapacity" means that condition of a person existing at the time
20 of the offense described in subsection A that prevents him from understanding the nature or
21 consequences of the transaction or disposition of money or other thing of value involved in such offense.*

22 **2. That the provisions of this act may result in a net increase in periods of imprisonment or
23 commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot
24 be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter
25 3 of the Acts of Assembly of 2012, Special Session I, requires the Virginia Criminal Sentencing
26 Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated
27 amount of the necessary appropriation cannot be determined for periods of commitment to the
28 custody of the Department of Juvenile Justice.**

ENROLLED

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