13101735D

1 **SENATE BILL NO. 1113**
2 Offered January 9, 2013
3 Prefiled January 9, 2013
4 *A BILL to amend the Code of Virginia by adding in Article 7 of Chapter 6 of Title 18.2 a section*
5 *numbered 18.2-213.2, relating to filing a fraudulent lien or encumbrance against a public employee;*
6 *penalty.*
7 ——————

Patron—McDougle
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8
9 Referred to Committee for Courts of Justice
10 ——————
11 **Be it enacted by the General Assembly of Virginia:**
12 **1. That the Code of Virginia is amended by adding in Article 7 of Chapter 6 of Title 18.2 a**
13 **section numbered 18.2-213.2 as follows:**
14 *§ 18.2-213.2. Filing fraudulent lien or encumbrance against a public employee.*
15 *Any person who knowingly files a fraudulent lien or encumbrance in a public record against the real*
16 *or personal property of a state or local employee, member of the General Assembly, member of a local*
17 *governing body, constitutional officer or employee of a constitutional officer, or board member or*
18 *employee of a regional jail or jail farm on account of the performance of the official duties of such*
19 *member, employee, or officer, knowing or having reason to know that such lien or encumbrance is false*
20 *or contains a materially false or fraudulent statement or representation is guilty of a Class 5 felony. The*
21 *court shall forward a copy of the conviction to the clerk of any jurisdiction in which a false lien or*
22 *encumbrance has been filed and the clerk shall remove such lien or encumbrance.*
23 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
24 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
25 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
26 **3 of the Acts of Assembly of 2012, Special Session I, requires the Virginia Criminal Sentencing**
27 **Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4, the estimated**
28 **amount of the necessary appropriation cannot be determined for periods of commitment to the**
29 **custody of the Department of Juvenile Justice.**