

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 mentally incapacitated persons; penalty.*

4
5 Approved

[S 706]

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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