

2013 SESSION

INTRODUCED

13100964D

SENATE BILL NO. 811

Offered January 9, 2013

Prefiled December 20, 2012

A *BILL to amend the Code of Virginia by adding in Article 7 of Chapter 6 of Title 18.2 a section numbered 18.2-213.2, relating to filing a fraudulent lien or encumbrance against a public employee; penalty.*

Patrons—Garrett, McDougle, Puckett and Ruff

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 7 of Chapter 6 of Title 18.2 a section numbered 18.2-213.2 as follows:

§ 18.2-213.2. Filing fraudulent lien or encumbrance against a public employee.

Any person who knowingly files a fraudulent lien or encumbrance in a public record against the real or personal property of a state or local employee, member of the General Assembly, member of a local governing body, constitutional officer or employee of a constitutional officer, or board member or employee of a regional jail or jail farm on account of the performance of the official duties of such member, employee, or officer, knowing or having reason to know that such lien or encumbrance is false or contains a materially false or fraudulent statement or representation is guilty of a Class 5 felony. The court shall forward a copy of the conviction to the clerk of any jurisdiction in which a false lien or encumbrance has been filed and the clerk shall remove such lien or encumbrance.

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 3 of the Acts of Assembly of 2012, Special Session I, 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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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