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HOUSE BILL NO. 627

Offered January 8, 2014

Prefiled January 7, 2014

A BILL to amend the Code of Virginia by adding a section numbered 18.2-178.2, relating to fraud, etc., or coercion, etc., in sales of products or services to incapacitated persons; penalty.

Patrons—Watts and Kory

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 a section numbered 18.2-178.2 as follows:

§ 18.2-178.2. Fraud, etc., or coercion, etc., in sales of products or services to incapacitated persons; penalty.

A. It is unlawful for any person to sell or offer for sale any product or service to any person who he knows or should know suffers from an incapacity with the intent to (i) defraud, mislead, or deceive the incapacitated person as to the nature, quality, or identity of the product or service sold or offered for sale or (ii) coerce, intimidate, or harass the incapacitated person into purchasing the product or service. A person who violates the provisions of this section is guilty of a Class 1 misdemeanor.

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

C. As used in this section, "incapacity" means that condition of a person existing at the time of the offense described in subsection A resulting from mental illness, intellectual disability, physical illness or disability, or advanced age that prevents him from understanding the nature or consequences of the transaction involved in such offense.

INTRODUCED

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