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HOUSE BILL NO. 1369

Offered January 14, 2015

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A *BILL to amend and reenact §§ 18.2-23, 18.2-95 through 18.2-97, 18.2-102, 18.2-103, 18.2-108.01, 18.2-145.1, 18.2-150, 18.2-152.3, 18.2-181, 18.2-181.1, 18.2-182, 18.2-186, 18.2-186.3, 18.2-187.1, 18.2-188, 18.2-195, 18.2-195.2, 18.2-197, 18.2-340.37, 19.2-289, 19.2-290, 19.2-386.16, and 29.1-553 of the Code of Virginia, relating to grand larceny and certain property crimes; threshold.*

Patrons—Lindsey, Surovell, Carr, Hope, McClellan and Simon

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-23, 18.2-95 through 18.2-97, 18.2-102, 18.2-103, 18.2-108.01, 18.2-145.1, 18.2-150, 18.2-152.3, 18.2-181, 18.2-181.1, 18.2-182, 18.2-186, 18.2-186.3, 18.2-187.1, 18.2-188, 18.2-195, 18.2-195.2, 18.2-197, 18.2-340.37, 19.2-289, 19.2-290, 19.2-386.16, and 29.1-553 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-23. Conspiring to trespass or commit larceny.

A. If any person shall conspire, confederate or combine with another or others in the Commonwealth to go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, having knowledge that any of them have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or having knowledge that any of them have been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may reasonably be seen, he shall be deemed guilty of a Class 3 misdemeanor.

B. If any person shall conspire, confederate or combine with another or others in the Commonwealth to commit larceny or counsel, assist, aid or abet another in the performance of a larceny, where the aggregate value of the goods or merchandise involved is ~~more than \$200~~ *\$500 or more*, he is guilty of a felony punishable by confinement in a state correctional facility for not less than one year nor more than 20 years. The willful concealment of goods or merchandise of any store or other mercantile establishment, while still on the premises thereof, shall be prima facie evidence of an intent to convert and defraud the owner thereof out of the value of the goods or merchandise. A violation of this subsection constitutes a separate and distinct felony.

C. Jurisdiction for the trial of any person charged under this section shall be in the county or city wherein any part of such conspiracy is planned, or in the county or city wherein any act is done toward the consummation of such plan or conspiracy.

§ 18.2-95. Grand larceny defined; how punished.

Any person who (i) commits larceny from the person of another of money or other thing of value of \$5 or more, (ii) commits simple larceny not from the person of another of goods and chattels of the value of ~~\$200~~ *\$500 or more*, or (iii) commits simple larceny not from the person of another of any firearm, regardless of the firearm's value, shall be guilty of grand larceny, punishable by imprisonment in a state correctional facility for not less than one nor more than ~~twenty~~ *20* years or, in the discretion of the jury or court trying the case without a jury, be confined in jail for a period not exceeding ~~twelve~~ *12* months or fined not more than \$2,500, either or both.

§ 18.2-96. Petit larceny defined; how punished.

Any person who:

- 1. Commits larceny from the person of another of money or other thing of value of less than \$5, or
- 2. Commits simple larceny not from the person of another of goods and chattels of the value of less than ~~\$200~~ *\$500*, except as provided in ~~subdivision~~ *clause* (iii) of § 18.2-95, shall be deemed guilty of petit larceny, which shall be punishable as a Class 1 misdemeanor.

§ 18.2-96.1. Identification of certain personalty.

A. The owner of personal property may permanently mark such property, including any part thereof, for the purpose of identification with the social security number of the owner, preceded by the letters "VA."

B. [Repealed.]

C. It shall be unlawful for any person to remove, alter, deface, destroy, conceal, or otherwise obscure the manufacturer's serial number or marks, including personalty marked with a social security number preceded by the letters "VA," from such personal property or any part thereof, without the consent of the owner, with intent to render it or other property unidentifiable.

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59 D. It shall be unlawful for any person to possess such personal property or any part thereof, without
60 the consent of the owner, knowing that the manufacturer's serial number or any other distinguishing
61 identification number or mark, including personalty marked with a social security number preceded by
62 the letters "VA," has been removed, altered, defaced, destroyed, concealed, or otherwise obscured with
63 the intent to violate the provisions of this section.

64 E. A person in possession of such property which is otherwise in violation of this section may apply
65 in writing to the Bureau of Criminal Investigation, Virginia State Police, for assignment of a number for
66 the personal property providing he can show that he is the lawful owner of the property. If a number is
67 issued in conformity with the provisions of this section, then the person to whom it was issued and any
68 person to whom the property is lawfully disposed of shall not be in violation of this section. This
69 subsection shall apply only when the application has been filed by a person prior to arrest or
70 authorization of a warrant of arrest for that person by a court.

71 F. Any person convicted of an offense under this section, when the value of the personalty is less
72 than ~~\$200~~ \$500, shall be guilty of a Class 1 misdemeanor and, when the value of the personalty is ~~\$200~~
73 \$500 or more, shall be guilty of a Class 5 felony.

74 **§ 18.2-97. Larceny of certain animals and poultry.**

75 Any person who shall be guilty of the larceny of a dog, horse, pony, mule, cow, steer, bull or calf
76 shall be guilty of a Class 5 felony; and any person who shall be guilty of the larceny of any poultry of
77 the value of \$5 dollars or more, but of the value of less than ~~\$200~~ \$500, or of a sheep, lamb, swine, or
78 goat, of the value of less than ~~\$200~~ \$500, shall be guilty of a Class 6 felony.

79 **§ 18.2-102. Unauthorized use of animal, aircraft, vehicle or boat; consent; accessories or**
80 **accomplices.**

81 Any person who shall take, drive or use any animal, aircraft, vehicle, boat or vessel, not his own,
82 without the consent of the owner thereof and in the absence of the owner, and with intent temporarily to
83 deprive the owner thereof of his possession thereof, without intent to steal the same, shall be guilty of a
84 Class 6 felony; provided, however, that if the value of such animal, aircraft, vehicle, boat or vessel shall
85 be less than ~~\$200~~ \$500, such person shall be guilty of a Class 1 misdemeanor. The consent of the
86 owner of an animal, aircraft, vehicle, boat or vessel to its taking, driving or using shall not in any case
87 be presumed or implied because of such owner's consent on a previous occasion to the taking, driving or
88 using of such animal, aircraft, vehicle, boat or vessel by the same or a different person. Any person who
89 assists in, or is a party or accessory to, or an accomplice in, any such unauthorized taking, driving or
90 using shall be subject to the same punishment as if he were the principal offender.

91 **§ 18.2-103. Concealing or taking possession of merchandise; altering price tags; transferring**
92 **goods from one container to another; counseling, etc., another in performance of such acts.**

93 Whoever, without authority, with the intention of converting goods or merchandise to his own or
94 another's use without having paid the full purchase price thereof, or of defrauding the owner of the
95 value of the goods or merchandise, (i) willfully conceals or takes possession of the goods or
96 merchandise of any store or other mercantile establishment, or (ii) alters the price tag or other price
97 marking on such goods or merchandise, or transfers the goods from one container to another, or (iii)
98 counsels, assists, aids or abets another in the performance of any of the above acts, when the value of
99 the goods or merchandise involved in the offense is less than ~~\$200~~ \$500, shall be guilty of petit larceny
100 and, when the value of the goods or merchandise involved in the offense is ~~\$200~~ \$500 or more, shall be
101 guilty of grand larceny. The willful concealment of goods or merchandise of any store or other
102 mercantile establishment, while still on the premises thereof, shall be prima facie evidence of an intent
103 to convert and defraud the owner thereof out of the value of the goods or merchandise.

104 **§ 18.2-108.01. Larceny with intent to sell or distribute; sale of stolen property; penalty.**

105 A. Any person who commits larceny of property with a value of ~~\$200~~ \$500 or more with the intent
106 to sell or distribute such property is guilty of a felony punishable by confinement in a state correctional
107 facility for not less than two years nor more than 20 years. The larceny of more than one item of the
108 same product is prima facie evidence of intent to sell or intent to distribute for sale.

109 B. Any person who sells, attempts to sell or possesses with intent to sell or distribute any stolen
110 property with an aggregate value of ~~\$200~~ \$500 or more where he knew or should have known that the
111 property was stolen is guilty of a Class 5 felony.

112 C. A violation of this section constitutes a separate and distinct offense.

113 **§ 18.2-145.1. Damaging or destroying research farm product; penalty; restitution.**

114 A. Any person or entity that (i) maliciously damages or destroys any farm product, as defined in
115 § 3.2-4709 and (ii) knows the product is grown for testing or research purposes in the context of product
116 development in conjunction or coordination with a private research facility or a university or any
117 federal, state or local government agency is guilty of a Class 1 misdemeanor if the value of the farm
118 product was less than ~~\$200~~ \$500, or a Class 6 felony if the value of the farm product was ~~\$200~~ \$500 or
119 more.

120 B. The court shall order the defendant to make restitution in accordance with § 19.2-305.1 for the

121 damage or destruction caused. For the purpose of awarding restitution under this section, the court shall
 122 determine the market value of the farm product prior to its damage or destruction and, in so doing, shall
 123 include the cost of: (i) production, (ii) research, (iii) testing, (iv) replacement and (v) product
 124 development directly related to the product damaged or destroyed.

125 **§ 18.2-150. Willfully destroying vessel, etc.**

126 If any person willfully scuttle, cast away or otherwise dispose of, or in any manner destroy, except
 127 as otherwise provided, a ship, vessel or other watercraft, with intent to injure or defraud any owner
 128 thereof or of any property on board the same, or any insurer of such ship, vessel or other watercraft, or
 129 any part thereof, or of any such property on board the same, if the same be of the value of ~~\$200~~ \$500,
 130 he shall be guilty of a Class 4 felony, but if it be of less value than ~~\$200~~ \$500, he shall be guilty of a
 131 Class 1 misdemeanor.

132 **§ 18.2-152.3. Computer fraud; penalty.**

133 Any person who uses a computer or computer network, without authority and:

- 134 1. Obtains property or services by false pretenses;
 - 135 2. Embezzles or commits larceny; or
 - 136 3. Converts the property of another;
- 137 is guilty of the crime of computer fraud.

138 If the value of the property or services obtained is ~~\$200~~ \$500 or more, the crime of computer fraud
 139 shall be punishable as a Class 5 felony. Where the value of the property or services obtained is less than
 140 \$200, the crime of computer fraud shall be punishable as a Class 1 misdemeanor.

141 **§ 18.2-181. Issuing bad checks, etc., larceny.**

142 Any person who, with intent to defraud, shall make or draw or utter or deliver any check, draft, or
 143 order for the payment of money, upon any bank, banking institution, trust company, or other depository,
 144 knowing, at the time of such making, drawing, uttering or delivering, that the maker or drawer has not
 145 sufficient funds in, or credit with, such bank, banking institution, trust company, or other depository, for
 146 the payment of such check, draft or order, although no express representation is made in reference
 147 thereto, shall be guilty of larceny; and, if this check, draft, or order has a represented value of ~~\$200~~
 148 \$500 or more, such person shall be guilty of a Class 6 felony. In cases in which such value is less than
 149 ~~\$200~~ \$500, the person shall be guilty of a Class 1 misdemeanor.

150 The word "credit" as used herein, shall be construed to mean any arrangement or understanding with
 151 the bank, trust company, or other depository for the payment of such check, draft or order.

152 Any person making, drawing, uttering or delivering any such check, draft or order in payment as a
 153 present consideration for goods or services for the purposes set out in this section shall be guilty as
 154 provided herein.

155 **§ 18.2-181.1. Issuance of bad checks.**

156 It shall be a Class 6 felony for any person, within a period of ninety days, to issue two or more
 157 checks, drafts or orders for the payment of money in violation of § 18.2-181, which have an aggregate
 158 represented value of ~~\$200~~ \$500 or more and which (i) are drawn upon the same account of any bank,
 159 banking institution, trust company or other depository and (ii) are made payable to the same person,
 160 firm or corporation.

161 **§ 18.2-182. Issuing bad checks on behalf of business firm or corporation in payment of wages;
 162 penalty.**

163 Any person who shall make, draw, or utter, or deliver any check, draft, or order for the payment of
 164 money, upon any bank, banking institution, trust company or other depository on behalf of any business
 165 firm or corporation, for the purpose of paying wages to any employee of such firm or corporation, or
 166 for the purpose of paying for any labor performed by any person for such firm or corporation, knowing,
 167 at the time of such making, drawing, uttering or delivering, that the account upon which such check,
 168 draft or order is drawn has not sufficient funds, or credit with, such bank, banking institution, trust
 169 company or other depository, for the payment of such check, draft or order, although no express
 170 representation is made in reference thereto, shall be guilty of a Class 1 misdemeanor; except that if this
 171 check, draft, or order has a represented value of ~~\$200~~ \$500 or more, such person shall be guilty of a
 172 Class 6 felony.

173 The word "credit," as used herein, shall be construed to mean any arrangement or understanding with
 174 the bank, banking institution, trust company, or other depository for the payment of such check, draft or
 175 order.

176 In addition to the criminal penalty set forth herein, such person shall be personally liable in any civil
 177 action brought upon such check, draft or order.

178 **§ 18.2-186. False statements to obtain property or credit.**

179 A. A person shall be guilty of a Class 1 misdemeanor if he makes, causes to be made or conspires to
 180 make directly, indirectly or through an agency, any materially false statement in writing, knowing it to
 181 be false and intending that it be relied upon, concerning the financial condition or means or ability to

182 pay of himself, or of any other person for whom he is acting, or any firm or corporation in which he is
 183 interested or for which he is acting, for the purpose of procuring, for his own benefit or for the benefit
 184 of such person, firm or corporation, the delivery of personal property, the payment of cash, the making
 185 of a loan or credit, the extension of a credit, the discount of an account receivable, or the making,
 186 acceptance, discount, sale or endorsement of a bill of exchange or promissory note.

187 B. Any person who knows that a false statement has been made in writing concerning the financial
 188 condition or ability to pay of himself or of any person for whom he is acting, or any firm or corporation
 189 in which he is interested or for which he is acting and who, with intent to defraud, procures, upon the
 190 faith thereof, for his own benefit, or for the benefit of the person, firm or corporation in which he is
 191 interested or for which he is acting, any such delivery, payment, loan, credit, extension, discount
 192 making, acceptance, sale or endorsement, shall, if the value of the thing or the amount of the loan,
 193 credit or benefit obtained is ~~\$200~~ \$500 or more, be guilty of grand larceny or, if the value is less than
 194 ~~\$200~~ \$500, be guilty of petit larceny.

195 C. Venue for the trial of any person charged with an offense under this section may be in the county
 196 or city in which (i) any act was performed in furtherance of the offense, or (ii) the person charged with
 197 the offense resided at the time of the offense.

198 D. As used in this section, "in writing" shall include information transmitted by computer, facsimile,
 199 e-mail, Internet, or any other electronic medium, and shall not include information transmitted by any
 200 such medium by voice transmission.

201 **§ 18.2-186.3. Identity theft; penalty; restitution; victim assistance.**

202 A. It shall be unlawful for any person, without the authorization or permission of the person or
 203 persons who are the subjects of the identifying information, with the intent to defraud, for his own use
 204 or the use of a third person, to:

205 1. Obtain, record, or access identifying information which is not available to the general public that
 206 would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of
 207 such other person;

208 2. Obtain money, credit, loans, goods, or services through the use of identifying information of such
 209 other person;

210 3. Obtain identification documents in such other person's name; or

211 4. Obtain, record, or access identifying information while impersonating a law-enforcement officer or
 212 an official of the government of the Commonwealth.

213 B. It shall be unlawful for any person without the authorization or permission of the person who is
 214 the subject of the identifying information, with the intent to sell or distribute the information to another
 215 to:

216 1. Fraudulently obtain, record, or access identifying information that is not available to the general
 217 public that would assist in accessing financial resources, obtaining identification documents, or obtaining
 218 benefits of such other person;

219 2. Obtain money, credit, loans, goods, or services through the use of identifying information of such
 220 other person;

221 3. Obtain identification documents in such other person's name; or

222 4. Obtain, record, or access identifying information while impersonating a law-enforcement officer or
 223 an official of the Commonwealth.

224 B1. It shall be unlawful for any person to use identification documents or identifying information of
 225 another person, whether that person is dead or alive, or of a false or fictitious person, to avoid
 226 summons, arrest, prosecution, or to impede a criminal investigation.

227 C. As used in this section, "identifying information" shall include but not be limited to: (i) name; (ii)
 228 date of birth; (iii) social security number; (iv) driver's license number; (v) bank account numbers; (vi)
 229 credit or debit card numbers; (vii) personal identification numbers (PIN); (viii) electronic identification
 230 codes; (ix) automated or electronic signatures; (x) biometric data; (xi) fingerprints; (xii) passwords; or
 231 (xiii) any other numbers or information that can be used to access a person's financial resources, obtain
 232 identification, act as identification, or obtain money, credit, loans, goods, or services.

233 D. Violations of this section shall be punishable as a Class 1 misdemeanor. Any violation resulting
 234 in financial loss of ~~greater than \$200~~ \$500 or more shall be punishable as a Class 6 felony. Any second
 235 or subsequent conviction shall be punishable as a Class 6 felony. Any violation of subsection B where
 236 five or more persons' identifying information has been obtained, recorded, or accessed in the same
 237 transaction or occurrence shall be punishable as a Class 5 felony. Any violation of subsection B where
 238 50 or more persons' identifying information has been obtained, recorded, or accessed in the same
 239 transaction or occurrence shall be punishable as a Class 4 felony. Any violation resulting in the arrest
 240 and detention of the person whose identification documents or identifying information were used to
 241 avoid summons, arrest, prosecution, or to impede a criminal investigation shall be punishable as a Class
 242 5 felony. In any proceeding brought pursuant to this section, the crime shall be considered to have been
 243 committed in any locality where the person whose identifying information was appropriated resides, or

244 in which any part of the offense took place, regardless of whether the defendant was ever actually in
245 such locality.

246 E. Upon conviction, in addition to any other punishment, a person found guilty of this offense shall
247 be ordered by the court to make restitution as the court deems appropriate to any person whose
248 identifying information was appropriated or to the estate of such person. Such restitution may include
249 the person's or his estate's actual expenses associated with correcting inaccuracies or errors in his credit
250 report or other identifying information.

251 F. Upon the request of a person whose identifying information was appropriated, the Attorney
252 General may provide assistance to the victim in obtaining information necessary to correct inaccuracies
253 or errors in his credit report or other identifying information; however, no legal representation shall be
254 afforded such person.

255 **§ 18.2-187.1. Obtaining or attempting to obtain oil, electric, gas, water, telephone, telegraph,**
256 **cable television or electronic communication service without payment; penalty; civil liability.**

257 A. It shall be unlawful for any person knowingly, with the intent to defraud, to obtain or attempt to
258 obtain, for himself or for another, oil, electric, gas, water, telephone, telegraph, cable television or
259 electronic communication service by the use of any false information, or in any case where such service
260 has been disconnected by the supplier and notice of disconnection has been given.

261 B. It shall be unlawful for any person to obtain or attempt to obtain oil, electric, gas, water,
262 telephone, telegraph, cable television or electronic communication service by the use of any scheme,
263 device, means or method, or by a false application for service with intent to avoid payment of lawful
264 charges therefor.

265 B1. It shall be unlawful for any person to obtain, or attempt to obtain, electronic communication
266 service as defined in § 18.2-190.1 by the use of an unlawful electronic communication device as defined
267 in § 18.2-190.1.

268 C. The word "notice" as used in subsection A shall be notice given in writing to the person to whom
269 the service was assigned. The sending of a notice in writing by registered or certified mail in the United
270 States mail, duly stamped and addressed to such person at his last known address, requiring delivery to
271 the addressee only with return receipt requested, and the actual signing of the receipt for such mail by
272 the addressee, shall be prima facie evidence that such notice was duly received.

273 D. Any person who violates any provisions of this section, if the value of service, credit or benefit
274 procured is \$200 \$500 or more, shall be guilty of a Class 6 felony; or if the value is less than \$200
275 \$500, shall be guilty of a Class 1 misdemeanor. In addition, the court may order restitution for the value
276 of the services unlawfully used and for all costs. Such costs shall be limited to actual expenses,
277 including the base wages of employees acting as witnesses for the Commonwealth, and suit costs.
278 However, the total amount of allowable costs granted hereunder shall not exceed \$250, excluding the
279 value of the service.

280 E. Any party providing oil, electric, gas, water, telephone, telegraph, cable television or electronic
281 communication service who is aggrieved by a violation of this section may, in a civil proceeding in any
282 court of competent jurisdiction, seek both injunctive and equitable relief, and an award of damages,
283 including attorney's fees and costs. In addition to any other remedy provided by law, the party aggrieved
284 may recover an award of actual damages or \$500 whichever is greater, for each action.

285 **§ 18.2-188. Defrauding hotels, motels, campgrounds, boardinghouses, etc.**

286 It shall be unlawful for any person, without paying therefor, and with the intent to cheat or defraud
287 the owner or keeper to:

- 288 1. Put up at a hotel, motel, campground or boardinghouse;
- 289 2. Obtain food from a restaurant or other eating house;
- 290 3. Gain entrance to an amusement park; or
- 291 4. Without having an express agreement for credit, procure food, entertainment or accommodation
292 from any hotel, motel, campground, boardinghouse, restaurant, eating house or amusement park.

293 It shall be unlawful for any person, with intent to cheat or defraud the owner or keeper out of the
294 pay therefor to obtain credit at a hotel, motel, campground, boardinghouse, restaurant or eating house for
295 food, entertainment or accommodation by means of any false show of baggage or effects brought
296 thereto.

297 It shall be unlawful for any person, with intent to cheat or defraud, to obtain credit at a hotel, motel,
298 campground, boardinghouse, restaurant, eating house or amusement park for food, entertainment or
299 accommodation through any misrepresentation or false statement.

300 It shall be unlawful for any person, with intent to cheat or defraud, to remove or cause to be
301 removed any baggage or effects from a hotel, motel, campground, boardinghouse, restaurant or eating
302 house while there is a lien existing thereon for the proper charges due from him for fare and board
303 furnished.

304 Any person who violates any provision of this section shall, if the value of service, credit or benefit

305 procured or obtained is ~~\$200~~ \$500 or more, be guilty of a Class 5 felony; or if the value is less than
 306 ~~\$200~~ \$500, a Class 1 misdemeanor.

307 **§ 18.2-195. Credit card fraud; conspiracy; penalties.**

308 (1) A person is guilty of credit card fraud when, with intent to defraud any person, he:

309 (a) Uses for the purpose of obtaining money, goods, services or anything else of value a credit card
 310 or credit card number obtained or retained in violation of § 18.2-192 or a credit card or credit card
 311 number which he knows is expired or revoked;

312 (b) Obtains money, goods, services or anything else of value by representing (i) without the consent
 313 of the cardholder that he is the holder of a specified card or credit card number or (ii) that he is the
 314 holder of a card or credit card number and such card or credit card number has not in fact been issued;

315 (c) Obtains control over a credit card or credit card number as security for debt; or

316 (d) Obtains money from an issuer by use of an unmanned device of the issuer or through a person
 317 other than the issuer when he knows that such advance will exceed his available credit with the issuer
 318 and any available balances held by the issuer.

319 (2) A person who is authorized by an issuer to furnish money, goods, services or anything else of
 320 value upon presentation of a credit card or credit card number by the cardholder, or any agent or
 321 employee of such person, is guilty of a credit card fraud when, with intent to defraud the issuer or the
 322 cardholder, he:

323 (a) Furnishes money, goods, services or anything else of value upon presentation of a credit card or
 324 credit card number obtained or retained in violation of § 18.2-192, or a credit card or credit card number
 325 which he knows is expired or revoked;

326 (b) Fails to furnish money, goods, services or anything else of value which he represents or causes to
 327 be represented in writing or by any other means to the issuer that he has furnished; or

328 (c) Remits to an issuer or acquirer a record of a credit card or credit card number transaction which
 329 is in excess of the monetary amount authorized by the cardholder.

330 (3) Conviction of credit card fraud is punishable as a Class 1 misdemeanor if the value of all money,
 331 goods, services and other things of value furnished in violation of this section, or if the difference
 332 between the value of all money, goods, services and anything else of value actually furnished and the
 333 value represented to the issuer to have been furnished in violation of this section, does not exceed ~~\$200~~
 334 \$500 in any six-month period; conviction of credit card fraud is punishable as a Class 6 felony if such
 335 value exceeds ~~\$200~~ \$500 in any six-month period.

336 (4) Any person who conspires, confederates or combines with another, (i) either within or without
 337 the Commonwealth to commit credit card fraud within the Commonwealth or (ii) within the
 338 Commonwealth to commit credit card fraud within or without the Commonwealth, is guilty of a Class 6
 339 felony.

340 **§ 18.2-195.2. Fraudulent application for credit card; penalties.**

341 A. A person shall be guilty of a Class 1 misdemeanor if he makes, causes to be made or conspires to
 342 make, directly, indirectly or through an agency, any materially false statement in writing concerning the
 343 financial condition or means or ability to pay of himself or of any other person for whom he is acting
 344 or any firm or corporation in which he is interested or for which he is acting, knowing the statement to
 345 be false and intending that it be relied upon for the purpose of procuring a credit card. However, if the
 346 statement is made in response to an unrequested written solicitation from the issuer or an agent of the
 347 issuer to apply for a credit card, he shall be guilty of a Class 4 misdemeanor.

348 B. A person who knows that a false statement has been made in writing concerning the financial
 349 condition or ability to pay of himself or of any person for whom he is acting or any firm or corporation
 350 in which he is interested or for which he is acting and who with intent to defraud, procures a credit
 351 card, upon the faith of such false statement, for his own benefit, or for the benefit of the person, firm or
 352 corporation in which he is interested or for which he is acting, and obtains by use of the credit card,
 353 money, property, services or any thing of value, is guilty of grand larceny if the value of whatever is
 354 obtained is ~~\$200~~ \$500 or more or petit larceny if the value is less than ~~\$200~~ \$500.

355 C. As used in this section, "in writing" shall include information transmitted by computer, facsimile,
 356 e-mail, Internet, or any other electronic medium, and shall not include information transmitted by any
 357 such medium by voice transmission.

358 **§ 18.2-197. Criminally receiving goods and services fraudulently obtained.**

359 A person is guilty of criminally receiving goods and services fraudulently obtained when he receives
 360 money, goods, services or anything else of value obtained in violation of subsection (1) of § 18.2-195
 361 with the knowledge or belief that the same were obtained in violation of subsection (1) of § 18.2-195.
 362 Conviction of criminal receipt of goods and services fraudulently obtained is punishable as a Class 1
 363 misdemeanor if the value of all money, goods, services and anything else of value, obtained in violation
 364 of this section, does not exceed ~~\$200~~ \$500 in any six-month period; conviction of criminal receipt of
 365 goods and services fraudulently obtained is punishable as a Class 6 felony if such value exceeds ~~\$200~~
 366 \$500 in any six-month period.

367 **§ 18.2-340.37. Criminal penalties.**

368 A. Any person who violates the provisions of this article or who willfully and knowingly files, or
 369 causes to be filed, a false application, report or other document or who willfully and knowingly makes a
 370 false statement, or causes a false statement to be made, on any application, report or other document
 371 required to be filed with or made to the Department shall be guilty of a Class 1 misdemeanor.

372 B. Each day in violation shall constitute a separate offense.

373 C. Any person who converts funds derived from any charitable gaming to his own or another's use,
 374 when the amount of funds is less than ~~\$200~~ \$500, shall be guilty of petit larceny and, when the amount
 375 of funds is ~~\$200~~ \$500 or more, shall be guilty of grand larceny. The provisions of this section shall not
 376 preclude the applicability of any other provision of the criminal law of the Commonwealth that may
 377 apply to any course of conduct that violates this section.

378 **§ 19.2-289. Conviction of petit larceny.**

379 In a prosecution for grand larceny, if it be found that the thing stolen is of less value than \$200
 380 \$500, the jury may find the accused guilty of petit larceny.

381 **§ 19.2-290. Conviction of petit larceny though thing stolen worth \$500 or more.**

382 In a prosecution for petit larceny, though the thing stolen be of the value of ~~\$200~~ \$500 or more, the
 383 jury may find the accused guilty; and upon a conviction under this section or § 19.2-289, the accused
 384 shall be sentenced for petit larceny.

385 **§ 19.2-386.16. Forfeiture of motor vehicles used in commission of certain crimes.**

386 A. Any vehicle knowingly used by the owner thereof or used by another with his knowledge of and
 387 during the commission of, or in an attempt to commit, a second or subsequent offense of § 18.2-346,
 388 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356 or 18.2-357 or of a similar ordinance of any county,
 389 city or town or knowingly used for the transportation of any stolen goods, chattels or other property,
 390 when the value of such stolen goods, chattels or other property is ~~\$200~~ \$500 or more, or any stolen
 391 property obtained as a result of a robbery, without regard to the value of the property, shall be forfeited
 392 to the Commonwealth. The vehicle shall be seized by any law-enforcement officer arresting the operator
 393 of such vehicle for the criminal offense, and delivered to the sheriff of the county or city in which the
 394 offense occurred. The officer shall take a receipt therefor.

395 B. Any vehicle knowingly used by the owner thereof or used by another with his knowledge of and
 396 during the commission of, or in an attempt to commit, a misdemeanor violation of subsection D of
 397 § 18.2-47 or a felony violation of (i) Article 3 (§ 18.2-47 et seq.) of Chapter 4 of Title 18.2 or (ii)
 398 § 18.2-357 where the prostitute is a minor, shall be forfeited to the Commonwealth. The vehicle shall be
 399 seized by any law-enforcement officer arresting the operator of such vehicle for the criminal offense;
 400 and delivered to the sheriff of the county or city in which the offense occurred. The officer shall take a
 401 receipt therefor.

402 C. Forfeiture of such vehicle shall be enforced as is provided in Chapter 22.1 (§ 19.2-386.1 et seq.).

403 **§ 29.1-553. Selling or offering for sale; penalty.**

404 A. Any person who offers for sale, sells, offers to purchase, or purchases any wild bird or wild
 405 animal, or any part thereof, or any freshwater fish, except as provided by law, shall be guilty of a Class
 406 1 misdemeanor. However, when the aggregate of such sales or purchases or any combination thereof, by
 407 any person totals ~~\$200~~ \$500 or more during any 90-day period, that person shall be guilty of a Class 6
 408 felony.

409 B. Whether or not criminal charges have been placed, when any property is taken possession of by a
 410 conservation police officer for the purpose of being used as evidence of a violation of this section or for
 411 confiscation, the conservation police officer making such seizure shall immediately report the seizure to
 412 the Attorney for the Commonwealth.

413 C. In any prosecution for a violation of this section, photographs of the wild bird, wild animal, or
 414 any freshwater fish, or any part thereof shall be deemed competent evidence of such wild bird, wild
 415 animal, or freshwater fish, or part thereof and shall be admissible in any proceeding, hearing, or trial of
 416 the case to the same extent as if such wild bird, wild animal, or any freshwater fish, or part thereof had
 417 been introduced as evidence. Such photographs shall bear a written description of the wild bird, wild
 418 animal, or freshwater fish, or parts thereof, the name of the place where the alleged offense occurred,
 419 the date on which the alleged offense occurred, the name of the accused, the name of the arresting
 420 officer or investigating officer, the date of the photograph, and the name of the photographer. The
 421 photographs shall be identified by the signature of the photographer.

422 D. Any licensed Virginia auctioneer or licensed auction firm that sells, as a legitimate item of an
 423 auction sale, wildlife mounts that have undergone the taxidermy process, shall be exempt from the
 424 provisions of this section and subdivision A 11 of § 29.1-521.