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HOUSE BILL NO. 2115

Offered January 14, 2015

Prefiled January 14, 2015

A BILL to amend and reenact § 18.2-152.3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-429.1, relating to computer fraud; telephone fraud; penalty.

Patron—Mason

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-152.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-429.1 as follows:

§ 18.2-152.3. Computer fraud; penalty.

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

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

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

B. If any person commits a violation of subsection A where (i) the value of the property or services obtained is \$200 or more and (ii) the victim is any other person age 65 years or older, the crime of computer fraud is punishable as a Class 4 felony.

§ 18.2-429.1. Telephone fraud; penalty.

A. Any person who through the use of a telephone:

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

If the value of the property or services obtained is \$200 or more, the crime of telephone fraud is punishable as a Class 5 felony. Where the value of the property or services obtained is less than \$200, the crime of telephone fraud is punishable as a Class 1 misdemeanor.

B. If any person commits a violation of subsection A where (i) the value of the property or services obtained is \$200 or more and (ii) the victim is any other person age 65 years or older, the crime of telephone fraud is punishable as a Class 4 felony.

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 2 of the Acts of Assembly of 2014, 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.

INTRODUCED

HB2115