14102261D

SENATE BILL NO. 462

Offered January 8, 2014

Prefiled January 8, 2014

A BILL to amend and reenact § 18.2-178.1 of the Code of Virginia, relating to financial exploitation of certain persons.

Patron—Barker

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-178.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-178.1. Financial exploitation of mentally incapacitated, physically disabled, or socially isolated persons; penalty.

A. It is unlawful for any person who knows or should know that another person suffers from mental incapacity, *physical disability, or social isolation* to, through the use of that other person's mental incapacity, *physical disability, or social isolation,* take, obtain, or convert money or other thing of value belonging to that other person with the intent to permanently deprive him thereof. Any person who violates this section shall be deemed guilty of larceny.

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. This section shall not apply to a transaction or disposition of money or other thing of value in which the accused acted for the benefit of the person with mental incapacity *or physical disability or who is socially isolated* or made a good faith effort to assist such person with the management of his money or other thing of value.

D. As used in this section*:*

~~"mental~~ *"Mental* incapacity" means that condition of a person existing at the time of the offense described in subsection A that prevents him from understanding the nature or consequences of the transaction or disposition of money or other thing of value involved in such offense.

"Physical disability" means (i) impairments that prevent persons from being ambulatory; (ii) impairments that cause individuals to walk with difficulty or insecurity; (iii) total blindness or impairments affecting sight to the extent that the individual functioning in public areas is insecure or exposed to dangers; (iv) deafness or hearing loss that might make an individual insecure in public areas because he is unable to communicate or hear warning signals; (v) faulty coordination or palsy from brain, spinal, or peripheral nerve injury; or (vi) those manifestations of the aging processes that significantly reduce mobility, flexibility, coordination, and perceptiveness but are not accounted for in clauses (i) through (v).

"Social isolation" means a long-term lack of engagement with other people.

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 806 of the Acts of Assembly of 2013 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

10/18/22 0:46