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SENATE BILL NO. 273

Offered January 13, 2016

Prefiled January 7, 2016

A *BILL to amend and reenact § 18.2-188 of the Code of Virginia, relating to defrauding certain businesses; penalty.*

Patron—Wexton

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-188 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-188. Defrauding hotels, motels, campgrounds, boardinghouses, and other businesses.**

It shall be unlawful for any person, without paying therefor, and with the intent to cheat or defraud the owner ~~or~~, keeper, *or service provider* to:

1. Put up at a hotel, motel, campground, or boardinghouse;
2. Obtain food from a restaurant or other eating house;
3. Gain entrance to an amusement park; ~~or~~
4. Without having an express agreement for credit, procure food, entertainment, or accommodation from any hotel, motel, campground, boardinghouse, restaurant, eating house, or amusement park; *or*
5. *Obtain services from a barbershop, body-piercing salon, cosmetology salon, esthetics spa, nail salon, tattoo parlor, waxing salon, or massage therapist.*

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

It shall be unlawful for any person, with intent to cheat or defraud, to obtain credit *(i)* at a hotel, motel, campground, boardinghouse, restaurant, eating house, or amusement park for food, entertainment, or accommodation *or (ii) for services listed in subdivision 5* through any misrepresentation or false statement.

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

Any person who violates any provision of this section ~~shall~~ *is*, if the value of service, credit, or benefit procured or obtained is \$200 or more, ~~be~~ guilty of a Class 5 felony; or if the value is less than \$200, a Class 1 misdemeanor.

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 665 of the Acts of Assembly of 2015 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

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