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## SENATE BILL NO. 600

Offered January 22, 1996

A BILL to amend the Code of Virginia by adding in Title 19.2 a chapter numbered 22.2, consisting of section numbered 19.2-386.15, relating to economic crimes forfeitures.

Patron—Norment

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 19.2 a chapter numbered 22.2, consisting of section numbered 19.2-386.15, as follows:

## CHAPTER 22.2.

## ECONOMIC CRIMES FORFEITURES.

§ 19.2-386.15. Proceeds subject to forfeiture.

A. The following proceeds shall be subject to lawful seizure: (i) all money, equipment, motor vehicles, and all other personal and real property of any kind or character, used in substantial connection with any unlawful activity; (ii) all money commingled with such proceeds for the purpose of concealing or disguising the nature of such proceeds; and (iii) all moneys or other property, real or personal, traceable to the proceeds of a specified unlawful activity, together with any interest or profits derived from the investment of such proceeds or other property.

B. All seizures and forfeitures under this section shall be governed by Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2, and the procedures specified therein shall apply, mutatis mutandis, to all forfeitures under this chapter. Where proceeds forfeitable under this chapter are traceable to an innocent owner or victim of a specified unlawful activity, said proceeds shall be returned to the innocent owner or victim.

C. Any seizure and forfeiture under this section shall be in addition to any penalty or remedy, civil or criminal, provided by law.

## D. Definitions.

"Financial transaction" means any purchase, sale, trade, loan, pledge, investment, gift, transfer, transmission, delivery, deposit, withdrawal, payment, transfer between accounts, exchange of currency, extension of credit, purchase or sale of monetary instruments, use of a safe deposit box, or any other acquisition or deposition of property by any means and includes the movement of funds by wire or other electronic means.

"Proceeds" means property acquired or derived directly or indirectly from, produced through, realized through, or caused by, an act or omission and includes property, real or personal, of any kind.

"Property" means anything of value, and includes any interest in property, including any benefit, privilege, claim or right with respect to anything of value whether real or personal, tangible or intangible.

"Unlawful activity" means any act or attempt, committed for financial gain and punishable as a felony under the laws of the Commonwealth or if committed outside the Commonwealth, punishable by confinement of more than one year under the laws of the state in which the act or attempt was committed, and involving violations of:

1. Any offense contained within Title 13.1 for which punishment as a felony is authorized (corporations and securities).

2. Chapter 4, Article 1 of Title 18.2 (§§ 18.2-30 et seq.) (homicide).

3. Chapter 4, Article 3 of Title 18.2 (§§ 18.2-47 et seq.) (abduction).

4. Chapter 4, Article 5 of Title 18.2 (§§ 18.2-58 et seq.) (robbery).

5. Chapter 4, Article 6 of Title 18.2 (§§ 18.2-59 et seq.) (extortion).

6. Chapter 5 of Title 18.2 (§§ 18.2-77 et seq.) (property crimes).

7. Chapter 6 of Title 18.2 (§§ 18.2-168 et seq.) (fraud).

8. Chapter 8, Article 1 of Title 18.2 (§§ 18.2-325 et seq.) (gambling).

9. Chapter 8, Article 1.1 of Title 18.2 (§§ 18.2-340.1 et seq.) (bingo).

10. Chapter 8, Article 3 of Title 18.2 (§§ 18.2-344 et seq.) (prostitution).

11. Chapter 8, Article 5 of Title 18.2 (§§ 18.2-372 et seq.) (obscenity).

12. Chapter 10, Article 2 of Title 18.2 (§§ 18.2-438 et seq.) (bribery).

13. Chapter 10, Article 3 of Title 18.2 (§§ 18.2-446 et seq.) (bribery of public officials).

14. Chapter 12, Article 1.1 of Title 18.2 (§§ 18.2-498.1 et seq.) (government fraud).

15. Any offense contained within Title 58.1 for which punishment as a felony is authorized (tax).

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