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HOUSE BILL NO. 1777

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice)

(Patron Prior to Substitute—Delegate Gilbert)

House Amendments in [] - February 7, 2011

A BILL to amend and reenact §§ 18.2-204.1 and 18.2-204.2 of the Code of Virginia, relating to manufacture or sale of a fictitious birth certificate.

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-204.1 and 18.2-204.2 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-204.1. Fraudulent use of birth certificates, etc.; penalty.

A. ~~It shall be unlawful for any~~ Any person to ~~obtain, possess, sell, or transfer~~ who obtains [; or] possesses [; sells, ~~or transfers~~] a fictitious birth certificate or the birth certificate of another for the purpose of establishing a false identity for himself or for another person is guilty of a Class 1 misdemeanor. Any person who manufactures, sells, or transfers a fictitious birth certificate or the birth certificate of another for the purpose of establishing a false identity for himself or for another person is guilty of a Class 6 felony.

B. ~~It shall be unlawful for any~~ Any person to ~~obtain, possess, sell, or transfer~~ who obtains, possesses, sells, or transfers any document for the purpose of establishing a false status, occupation, membership, license or identity for himself or any other person is guilty of a Class 1 misdemeanor.

C. Any person who violates the provisions of this section is guilty of a Class 1 misdemeanor, except when the obtains, possesses, sells, or transfers such birth certificate or document is obtained, possessed, sold, or transferred with the intent to use that such certificate or document be used to purchase a firearm; in which case a violation of this section shall be punishable as is guilty of a Class 6 felony.

D. The provisions of this section shall not apply to members of state, federal, county, city or town law-enforcement agencies in the performance of their duties.

E. The provisions of this section shall not preclude prosecution under any other statute.

§ 18.2-204.2. Manufacture, sale, etc., or possession of fictitious, facsimile or simulated official license or identification; penalty.

A. ~~It~~ Except as provided in subsection D of § 18.2-204.1 it shall be unlawful for any person to manufacture, advertise for sale, sell or possess any fictitious, facsimile or simulated driver's license issued by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any foreign country or government; United States Armed Forces identification card; United States passport or foreign government visa; Virginia Department of Motor Vehicles special identification card; official identification issued by any other federal, state or foreign government agency; or official university or college student identification card, or in any way reproduce any identification card or facsimile thereof in such a manner that it could be mistaken for a valid license or identification of any type specified in this subsection.

B. Any person manufacturing, advertising for sale, selling or reproducing such card or facsimile thereof shall be guilty of a Class 1 misdemeanor.

C. Any person possessing any such card or facsimile thereof shall be guilty of a Class 2 misdemeanor.

D. The provisions of this section shall not preclude an election to prosecute under § 18.2-172, except to prosecute for forgery or uttering of such license or identification card or facsimile thereof as proof of age.

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 874 of the Acts of Assembly of 2010 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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

ENGROSSED

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