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HOUSE BILL NO. 2053

Offered January 9, 2013

Prefiled January 9, 2013

A BILL to amend and reenact §§ 64.2-1615 and 64.2-1621 of the Code of Virginia, relating to the Uniform Power of Attorney Act; criminal liability of agent; penalty.

Patron—Ware, O.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 64.2-1615 and 64.2-1621 of the Code of Virginia are amended and reenacted as follows: § 64.2-1615. Agent's liability.

A. An agent that violates this chapter is liable to the principal or the principal's successors in interest for the amount required to:

1. Restore the value of the principal's property to what it would have been had the violation not occurred; and

2. Reimburse the principal or the principal's successors in interest for the attorney fees and costs paid on the agent's behalf.

B. An agent that violates this act with intent to defraud the principal and thereby converts funds or other property of the principal is guilty of embezzlement pursuant to § 18.2-111.

§ 64.2-1621. Remedies under other law.

The remedies under this chapter are not exclusive and do not abrogate any right of, remedy, or penalty, including a court-supervised accounting or criminal prosecution, under the laws of the Commonwealth other than this chapter.

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 3 of the Acts of Assembly of 2012, 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

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