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## SENATE BILL NO. 628

Offered January 10, 2018

Prefiled January 10, 2018

A BILL to amend and reenact §§ 47.1-4 and 47.1-28 of the Code of Virginia, relating to qualifications of notary; misdemeanor offense of moral turpitude.

Patron—Surovell

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That §§ 47.1-4 and 47.1-28 of the Code of Virginia are amended and reenacted as follows:****§ 47.1-4. Qualification for appointment.**

To be qualified to be commissioned as a notary in the Commonwealth, each such person (i) shall be at least 18 years of age, (ii) shall be a legal resident of the United States, (iii) shall be able to read and write the English language, (iv) shall never have been convicted of a *misdemeanor offense of moral turpitude or any felony* under the laws of the United States, the Commonwealth, or any other state, unless such person has been pardoned for such ~~felony~~ offense, has had his conviction vacated by the granting of a writ of actual innocence, or has had his rights restored, and (v) shall otherwise be in compliance with the provisions of this title. A nonresident of Virginia may register and be commissioned as a notary only if he is regularly employed in the Commonwealth and meets all of the requirements of this section. A member of the armed services of the United States shall be eligible to register and be commissioned as a notary notwithstanding the provisions of § 2.2-2800.

**§ 47.1-28. Willful misconduct a misdemeanor.**

A. Any notary who knowingly and willfully commits any official misconduct under Chapter 5 (§ 47.1-24 et seq.) of this title shall be guilty of a Class 3 misdemeanor.

B. Any employer of a notary who willfully induces such notary to commit official misconduct under Chapter 5 of this title shall be guilty of a Class 3 misdemeanor.

C. Any person who knowingly and willfully misrepresents on an application for commission as a notary whether they have been convicted of any *misdemeanor offense of moral turpitude or any felony* under the laws of this Commonwealth, of any other state, or of the United States shall be guilty of a Class 1 misdemeanor.

INTRODUCED

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