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## HOUSE BILL NO. 2484

Offered January 9, 2019

Prefiled January 9, 2019

A BILL to amend and reenact §§ 18.2-186.3 and 18.2-198.1 of the Code of Virginia, relating to identity theft; credit card fraud; charging several acts; venue.

Patron—Hodges

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 18.2-186.3 and 18.2-198.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 18.2-186.3. Identity theft; penalty; restitution; victim assistance.**

A. It shall be unlawful for any person, without the authorization or permission of the person or persons who are the subjects of the identifying information, with the intent to defraud, for his own use or the use of a third person, to:

1. Obtain, record, or access identifying information which is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person;

2. Obtain money, credit, loans, goods, or services through the use of identifying information of such other person;

3. Obtain identification documents in such other person's name; or

4. Obtain, record, or access identifying information while impersonating a law-enforcement officer or an official of the government of the Commonwealth.

B. It shall be unlawful for any person without the authorization or permission of the person who is the subject of the identifying information, with the intent to sell or distribute the information to another to:

1. Fraudulently obtain, record, or access identifying information that is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person;

2. Obtain money, credit, loans, goods, or services through the use of identifying information of such other person;

3. Obtain identification documents in such other person's name; or

4. Obtain, record, or access identifying information while impersonating a law-enforcement officer or an official of the Commonwealth.

B1. It shall be unlawful for any person to use identification documents or identifying information of another person, whether that person is dead or alive, or of a false or fictitious person, to avoid summons, arrest, prosecution, or to impede a criminal investigation.

C. As used in this section, "identifying information" ~~shall include~~ *includes* but *is not be* limited to: (i) name; (ii) date of birth; (iii) social security number; (iv) driver's license number; (v) bank account numbers; (vi) credit or debit card numbers; (vii) personal identification numbers (PIN); (viii) electronic identification codes; (ix) automated or electronic signatures; (x) biometric data; (xi) fingerprints; (xii) passwords; or (xiii) any other numbers or information that can be used to access a person's financial resources, obtain identification, act as identification, or obtain money, credit, loans, goods, or services.

D. Violations of this section shall be punishable as a Class 1 misdemeanor. Any violation resulting in financial loss of \$500 or more shall be punishable as a Class 6 felony. Any second or subsequent conviction shall be punishable as a Class 6 felony. Any violation of subsection B where five or more persons' identifying information has been obtained, recorded, or accessed in the same transaction or occurrence shall be punishable as a Class 5 felony. Any violation of subsection B where 50 or more persons' identifying information has been obtained, recorded, or accessed in the same transaction or occurrence shall be punishable as a Class 4 felony. Any violation resulting in the arrest and detention of the person whose identification documents or identifying information were used to avoid summons, arrest, prosecution, or to impede a criminal investigation shall be punishable as a Class 5 felony. *In a prosecution against a person accused of a violation of this section, it shall be lawful in the same indictment or accusation to charge and thereon proceed against the accused for any number of distinct acts of such violation committed by him within six months from the first to the last of the acts charged.* In any proceeding brought pursuant to this section, the crime shall be considered to have been committed in any locality where the person whose identifying information was appropriated resides, or

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59 in which any part of the offense took place, regardless of whether the defendant was ever actually in  
60 such locality.

61 E. Upon conviction, in addition to any other punishment, a person found guilty of this offense shall  
62 be ordered by the court to make restitution as the court deems appropriate to any person whose  
63 identifying information was appropriated or to the estate of such person. Such restitution may include  
64 the person's or his estate's actual expenses associated with correcting inaccuracies or errors in his credit  
65 report or other identifying information.

66 F. Upon the request of a person whose identifying information was appropriated, the Attorney  
67 General may provide assistance to the victim in obtaining information necessary to correct inaccuracies  
68 or errors in his credit report or other identifying information; however, no legal representation shall be  
69 afforded such person.

70 **§ 18.2-198.1. Venue.**

71 Notwithstanding the provisions of § 19.2-244, a prosecution for a violation of this article may be had  
72 in any county or city in which (i) any act in furtherance of the crime was committed ~~or~~; (ii) an issuer or  
73 acquirer, or an agent of either, sustained a financial loss as a result of the offense; *or (iii) the*  
74 *cardholder resides*. A prosecution for a violation of § 18.2-192 may be had in any county or city where  
75 a credit card number is used, is attempted to be used, or is possessed with intent to violate § 18.2-193,  
76 18.2-195, or 18.2-197.