

23105032D

HOUSE BILL NO. 2484

Offered January 20, 2023

A BILL to amend and reenact § 2.2-511 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-511.2, relating to Attorney General; White Collar Crime Task Force.

Patron—Subramanyam

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-511 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-511.2 as follows:

§ 2.2-511. Criminal cases.

A. Unless specifically requested by the Governor to do so, the Attorney General shall have no authority to institute or conduct criminal prosecutions in the circuit courts of the Commonwealth except in cases involving (i) violations of the Alcoholic Beverage Control Act (§ 4.1-100 et seq.), (ii) violation of laws relating to elections and the electoral process as provided in § 24.2-104, (iii) violation of laws relating to motor vehicles and their operation, (iv) the handling of funds by a state bureau, institution, commission or department, (v) the theft of state property, (vi) violation of the criminal laws involving child pornography and sexually explicit visual material involving children, (vii) the practice of law without being duly authorized or licensed or the illegal practice of law, (viii) violations of § 3.2-4212 or 58.1-1008.2, (ix) with the concurrence of the local attorney for the Commonwealth, violations of the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.), (x) with the concurrence of the local attorney for the Commonwealth, violations of the Air Pollution Control Law (§ 10.1-1300 et seq.), the Virginia Waste Management Act (§ 10.1-1400 et seq.), and the State Water Control Law (§ 62.1-44.2 et seq.), (xi) with the concurrence of the local attorney for the Commonwealth, violations of Chapters 2 (§ 18.2-18 et seq.), 3 (§ 18.2-22 et seq.), and 10 (§ 18.2-434 et seq.) of Title 18.2, if such crimes relate to violations of law listed in clause (x) of this subsection, (xii) with the concurrence of the local attorney for the Commonwealth, criminal violations by Medicaid providers or their employees in the course of doing business, or violations of Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, in which cases the Attorney General may leave the prosecution to the local attorney for the Commonwealth, or he may institute proceedings by information, presentment or indictment, as appropriate, and conduct the same, (xiii) with the concurrence of the local attorney for the Commonwealth, *misdemeanor* violations of Article 9 (§ 18.2-246.1 et seq.) of Chapter 6 of Title 18.2, (xiv) with the concurrence of the local attorney for the Commonwealth, assisting in the prosecution of *misdemeanor* violations of §§ 18.2-186.3 and 18.2-186.4, (xv) with the concurrence of the local attorney for the Commonwealth, assisting in the prosecution of violations of § 18.2-46.2, 18.2-46.3, or 18.2-46.5 when such violations are committed on the grounds of a state correctional facility, ~~and~~ (xvi) with the concurrence of the local attorney for the Commonwealth, assisting in the prosecution of *misdemeanor* violations of Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 of Title 18.2; *and (xvii) with the concurrence of the local attorney for the Commonwealth, felony violations of Chapter 5 (§ 13.1-501 et seq.) of Title 13.1, Article 3 (§ 18.2-95 et seq.) or 4 (§ 18.2-111 et seq.) of Chapter 5 of Title 18.2, Chapter 6 (§ 18.2-168 et seq.) of Title 18.2, Article 2 (§ 18.2-438 et seq.) or 3 (§ 18.2-446 et seq.) of Chapter 10 of Title 18.2, or § 40.1-29.*

In all other criminal cases in the circuit courts, except where the law provides otherwise, the authority of the Attorney General to appear or participate in the proceedings shall not attach unless and until a notice of appeal has been filed with the clerk of the circuit court noting an appeal to the Court of Appeals or the Supreme Court. In all criminal cases before the Court of Appeals or the Supreme Court in which the Commonwealth is a party or is directly interested, the Attorney General shall appear and represent the Commonwealth, unless, and with the consent of the Attorney General, the attorney for the Commonwealth who prosecuted the underlying criminal case files a notice of appearance to represent the Commonwealth in any such appeal.

B. The Attorney General shall, upon request of a person who was the victim of a crime and subject to such reasonable procedures as the Attorney General may require, ensure that such person is given notice of the filing, of the date, time and place and of the disposition of any appeal or habeas corpus proceeding involving the cases in which such person was a victim. For the purposes of this section, a victim is an individual who has suffered physical, psychological or economic harm as a direct result of the commission of a crime; a spouse, child, parent or legal guardian of a minor or incapacitated victim; or a spouse, child, parent or legal guardian of a victim of a homicide. Nothing in this subsection shall confer upon any person a right to appeal or modify any decision in a criminal, appellate or habeas

INTRODUCED

HB2484

59 corpus proceeding; abridge any right guaranteed by law; or create any cause of action for damages
60 against the Commonwealth or any of its political subdivisions, the Attorney General or any of his
61 employees or agents, any other officer, employee or agent of the Commonwealth or any of its political
62 subdivisions, or any officer of the court.

63 **§ 2.2-511.2. White Collar Crime Task Force created; duties.**

64 *There is created in the Department of Law a White Collar Crime Task Force (the Task Force) that*
65 *may exercise the authority granted by § 2.2-511 to investigate and prosecute financially motivated*
66 *nonviolent felony offenses, including any felony offense in Chapter 5 (§ 13.1-501 et seq.) of Title 13.1,*
67 *Article 3 (§ 18.2-95 et seq.) or 4 (§ 18.2-111 et seq.) of Chapter 5 of Title 18.2, Chapter 6 (§ 18.2-168*
68 *et seq.) of Title 18.2, Article 2 (§ 18.2-438 et seq.) or 3 (§ 18.2-446 et seq.) of Chapter 10 of Title 18.2,*
69 *or § 40.1-29. The Task Force shall consist of at least three assistant Attorneys General, at least one*
70 *forensic accountant, and at least one investigator. Investigators with the Office of the Attorney General*
71 *as designated by the Attorney General shall have the same powers as a sheriff or law-enforcement*
72 *officer in their investigation of allegations of such offenses.*