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## SENATE BILL NO. 757

Offered January 21, 2022

A *BILL* to amend the Code of Virginia by adding sections numbered 18.2-203.1 and 18.2-203.2, relating to fraud-related crimes; penalties.

Patron—Lewis

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 18.2-203.1 and 18.2-203.2 as follows:

**§ 18.2-203.1. Wire fraud and mail fraud; penalties.**

A. Any person, (i) having devised or intending to devise any scheme or artifice (a) to defraud; (b) for obtaining money or property by means of false or fraudulent pretenses, representations, or promises; or (c) to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, and (ii) for the purpose of executing such scheme or artifice or attempting so to do, (a) places in any post office or authorized depository for mail matter any matter or thing whatever to be sent or delivered by the United States Postal Service, (b) deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or (c) takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, is guilty of a felony and shall be punished by a fine of not more than \$100,000 or a term of imprisonment of not less than one nor more than 20 years, or both.

B. Whoever, having devised or intending to devise any scheme or artifice to defraud, including a scheme or artifice to deprive another of the intangible right of honest services, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, for the purposes of executing such scheme or artifice or attempting to do so:

1. Transmits or causes to be transmitted by means of wire, radio, or television communication any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice is guilty of wire fraud; or

2. Places in any post office or authorized depository for mail matter any matter or thing whatever to be sent or delivered by the United States Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial carrier, or takes or receives therefrom any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, is guilty of mail fraud.

C. Wire fraud and mail fraud shall each be felonies punishable by imprisonment in a state correctional facility for not less than one nor more than 20 years or, in the discretion of the jury or court trying the case without a jury, confinement in jail for a period not exceeding 12 months or a fine of not more than \$2,500, either or both.

**§ 18.2-203.2. Bank fraud and health care fraud; penalties.**

A. For the purposes of this section:

"Financial institution" has the meaning given that term in 18 U.S.C. § 20.

"Health care benefit program" has the meaning given that term in 18 U.S.C. § 24.

B. Any person who knowingly executes, or attempts to execute, a scheme or artifice to (i) defraud a financial institution or any health care benefit program or (ii) obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution or health care benefit program, by means of false or fraudulent pretenses, representations, or promises, is guilty of either bank fraud or health care fraud, as appropriate, which shall each be felonies punishable by imprisonment in a state correctional facility for not less than one nor more than 20 years or, in the discretion of the jury or court trying the case without a jury, confinement in jail for a period not exceeding 12 months or a fine of not more than \$2,500, either or both.

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 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I,

INTRODUCED

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59 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of  
60 \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary  
61 appropriation cannot be determined for periods of commitment to the custody of the Department  
62 of Juvenile Justice.