

HOUSE BILL NO. 2120

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice

on)

(Patron Prior to Substitute—Delegate Maldonado)

A BILL to amend the Code of Virginia by adding in Chapter 22.2 of Title 19.2 a section numbered 19.2-386.36, relating to seizure of property used in connection with or derived from financial exploitation of vulnerable adults.

on February 10, 2025)

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 22.2 of Title 19.2 a section numbered 19.2-386.36 as follows:

§ 19.2-386.36. Seizure of moneys or other assets of value in connection with or derived from financial exploitation of vulnerable adults.

A. As used in this section:

"Moneys or other assets of value" means any moneys, cash, virtual currency, or negotiable or nonnegotiable instruments including those in accounts.

"Virtual currency" means the same as that term is defined in § 6.2-818.1.

"Vulnerable adult" means the same as that term is defined in § 18.2-369.

B. When a law-enforcement officer, an attorney for the Commonwealth, the Office of the Attorney General, or other interested party suspects that there is probable cause to conclude that moneys or other assets of value were unlawfully taken or retained from a financial institution or vulnerable adult, such individual may (i) seek a seizure warrant from a judge or (ii) petition a court for the seizure of such moneys or other assets of value. The warrant or petition shall describe the items to be seized and provide sufficient facts to support a determination of whether probable cause exists to believe that the items to be seized were unlawfully taken or retained from a financial institution or vulnerable adult in violation of § 18.2-178.1. If a court determines that probable cause for the seizure exists, then the court may issue an order authorizing the seizure of the designated items. The court seizing such moneys or other assets of value may retain, pending a prosecution or appeal thereof, a sufficient amount of such moneys or other assets of value as is necessary to prove a violation of § 18.2-178.1. All funds seized shall be placed into a county-owned, city-owned, or

31 *state-owned interest bearing account for the purposes of this section.*

32 *C. The court, upon motion of the complainant and for good cause shown, may order the release of all*
33 *moneys or other assets of value, subject to the provisions of this section. The remaining moneys or other asset*
34 *s of value, if any, may be released to the owner upon proper receipt therefor, in which case the release shall*
35 *be with the consent of the complainant. The court authorizing such release shall make an appropriate record*
36 *of such moneys or other assets of value, including designation or copying of serial numbers. Such record or*
37 *receipt is admissible into evidence in any proceeding of the case to the same extent as if such moneys or other*
38 *assets of value had been introduced. Such record or receipt shall contain the name of the financial institution*
39 *or vulnerable adult from whom such moneys or other assets of value were taken, the place from which taken,*
40 *the name of the accused, and the name of the arresting law-enforcement officer with initial possession of such*
41 *moneys or other assets of value. Pictures shall be taken of any instruments and such pictures shall be*
42 *attached to the receipt or record above and shall contain further the date of the photograph and the name of*
43 *the photographer.*

44 *D. Unless otherwise ordered by the court, notification of the seizure of any moneys or other assets of*
45 *value shall be made by certified mail to the asset owner. Notification shall include a copy of the seizure*
46 *warrant or complaint, unless the matter is sealed by the court.*