Department of Planning and Budget 2025 General Assembly Session State Fiscal Impact Statement

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Bill Number: HB2120H2 Patron: Maldonado

Bill Title: Seizure of property used in connection with or derived from financial exploitation of

vulnerable adults.

Bill Summary: The substitute bill provides that all money, equipment, motor vehicles, and other personal and real property of any kind or character that is the subject of a violation of § 18.2-178.1 (Financial exploitation of vulnerable adults; penalty) or used in substantial connection with such a violation shall be subject to seizure. Real property shall not be subject to seizure unless the minimum prescribed punishment for the violation is a term of imprisonment of not less than 12 months.

All seizures and forfeitures under this section shall be governed by Chapter 22.1 (§ 19.2-386.1 et seq., Commencing an action of forfeiture), and the procedures specified therein shall apply, mutatis mutandis, except that an action against any property subject to seizure under the provisions of this section may be commenced by the filing of an information in the clerk's office of the circuit court by the guardian, adult protective agent, or representative of the vulnerable adult, who may for good cause shown, upon motion to the court in which the information is filed, act and stand in the place of the attorney for the Commonwealth for the enforcement of such action. A hearing on a motion by a vulnerable adult pursuant to this section shall be scheduled on an expedited basis and given priority over other civil matters before the court. In addition to existing procedures for service of process, such service may be satisfied by certified mail, return receipt requested.

Notwithstanding any provision of Chapter 22.1 (§ 19.2-386.1 et seq.) to the contrary, money, equipment, motor vehicles, and other personal and real property seized in the course of the investigation or prosecution for such offense shall be returned to the vulnerable adult or his estate pursuant to § 19.2-386.5 and shall be returned upon a plea of guilty or a finding of facts sufficient for guilt for a violation of § 18.2-178.1.

Budget Amendment No Items N/A

Necessary: Impacted:

Explanation: N/A

Fiscal Summary: The fiscal impact of the proposed bill is indeterminate.

Fiscal Analysis: The proposed legislation is likely to have a workload impact on law enforcement, Courts, and Commonwealth Attorneys, however, the extent of the impact cannot be determined at this time. Therefore, the cost associated with implementing this proposal is indeterminate.

Other: None