

2018 SESSION

INTRODUCED

18101401D

HOUSE BILL NO. 127

Offered January 10, 2018

Prefiled December 18, 2017

A *BILL to amend and reenact § 18.2-200.1 of the Code of Virginia, relating to construction fraud; penalty.*

Patrons—Cole (By Request), Convirs-Fowler and Delaney; Senator: Vogel

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-200.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-200.1. Failure to perform promise for construction, etc., in return for advances.

If any person obtain from another an advance of money, merchandise or other thing, of value, with ~~fraudulent intent~~, upon a promise to perform construction, removal, repair or improvement of any building or structure permanently annexed to real property, or any other improvements to such real property, including horticulture, nursery or forest products, and *fraudulently* fail or refuse to perform such promise, and also fail to substantially make good such advance, he shall be deemed guilty of the larceny of such money, merchandise or other thing if he fails to return such advance within ~~fifteen~~ 15 days of a request to do so sent by certified mail, return receipt requested, to his last known address or to the address listed in the contract.

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, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 836 of the Acts of Assembly of 2017 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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