

Code Sections Available for Vacatur in Virginia (as of 4/10/25)

18.2-250 Felony drug possession

- Knowingly or intentionally possessing a controlled substance

18.2-96 misdemeanor petit larceny

- From the person of another for \$5 or less
- Simple larceny (not from a person) of goods/chattels less than \$1,000

18.2-102 misdemeanor Unauthorized use of a Vehicle,

- *Intent to deprive the owner temporarily* (not intent to steal)
- Anyone who takes, drives or uses any animal, aircraft, vehicle, boat or vessel not his own.

18.2-103 criminal petit or grand larceny

- The *intent of converting goods to his own use* without paying the full price, or of *defrauding the owner of the value of the goods*.
- Either (1) willfully conceals or takes possession of goods of any store OR (2) alters the price tag on such goods.
- Less than \$1,000 is petit larceny
- More than \$1,000 is grand larceny

18.2-108(A) receiving stolen goods

- Anyone who buys or receives any stolen goods from another person (or helps conceal stolen goods) *knowing the goods were stolen* is guilty of larceny of those goods.

18.2-117 failure of bailee to return a vehicle

- Anyone who comes into possession (as bailee) of any animal, aircraft, vehicle, boat, or vessel and fails to return that vehicle is guilty of *larceny* of that vehicle.
- The failure to return within 5 days of the agreed time is *prima facie* evidence of larceny.

18.2-118 Fraudulent conversion or removal of leased personal property

- Any person in possession of leased (rented) personal property who removes the property from the Commonwealth of Virginia with *the intent to defraud, sell, secrete, dispose of, or destroy the property* shall be guilty of larceny of the personal property.

18.2-119. Misdemeanor trespass after having been forbidden to do so

- Any person who, without authority to do so, goes onto or remains on the land or in the building of another, after being forbidden to do so by the owner (written or oral).

18.2-137. Injuring, etc., any property, monument, etc.

- Anyone who unlawfully destroys, defaces, damages, or removes (*without the intent to steal*) any property not his/her own. OR
- Anyone who unlawfully destroys, defaces, damages, or removes (*without the intent to steal*) any monument or memorial for war veterans, any monument or memorial for war veterans, any monument marking the site of a Civil War battle, or any memorial to designate the boundaries of cities, towns, etc.

- If the value or damage to the property is less than \$1,000 it is a misdemeanor (Class 1). If the value or damage to the property is \$1,000 or more, it is a Class 6 felony.

18.2-146. Breaking, injuring, defacing, destroying, or preventing the operation of vehicle, aircraft, boat, or vessel

- Anyone who willfully breaks, injures, tampers with, or removes any part of any vehicle, aircraft, boat or vessel for the *purpose* of injuring, defacing, or destroying that vehicle OR permanently preventing its useful operation.

18.2-147. Entering or setting in motion, vehicle

- Anyone who, without the consent of the owner, climbs into or on a vehicle, aircraft, boat, vessel, or train *with the intent to commit any crime or injury to the vehicle* UNLESS the act is during an emergency or furthering public safety.

18.2-160.2. Trespassing on public transportation

- Anyone who enters or remains in public transportation without the permission of (or having been forbidden to do so) by the owner or authorized operator.
- “Public Transportation Service” means a passenger transportation service provided by bus, rail, or other “surface conveyance” that provides transportation to the general public on a regular and continuing basis.

18.2-173. Having in possession forged coin

- Anyone has possession of forged bank notes or forged coins, *knowing* the notes or coins are forged *with the intent to use it as true*, or to sell, exchange, or deliver them so that another person may use the coin as true.
- If the number of notes or coins is ten or more, Class 6 felony. If the number is less than 10, Class 3 misdemeanor.

18.2-178. Obtaining money or signature, etc., by false pretense

- Anyone *with the intent to defraud* who obtains by false pretense money, a gift certificate, or other property from another shall be guilty of larceny.
- If anyone *with the intent to defraud* obtains by false pretense the signature of another person for the purpose of making a forgery, shall be guilty of class 4 felony.

18.2-181. Issuing bad checks

- Anyone with *intent to defraud* who makes, draws, or delivers any check or money order from a bank while knowing that (s)he doesn’t have sufficient funds in the account to cover the check or money order is guilty of larceny.
- If the check is for less than \$1,000, class 1 misdemeanor. If the check is for more than \$1,000, class 6 felony.

18.2-186.2. False statements or failure to disclose material facts in order to obtain aid or benefits under any local, state or federal housing assistance program.

- Anyone who knowingly makes any false statement *in writing* (with the intent for the statement to be relied on) or fails to disclose any material fact concerning financial means or ability to pay, for the purpose of procuring aid and benefits from any local, state, or federally funded housing assistance program. OR

- Anyone who knowingly fails to disclose a change in circumstances to obtain or continue to receive aid or benefits from a government housing assistance program to which (s)he is not entitled.
- Class 1 misdemeanor.

18.2-186.3(B)(1). Identity theft

- Anyone who fraudulently obtains, records, or accesses the identifying information (not generally available to the public) of another without permission and *with the intent to distribute or sell that information* for the purpose of accessing the other's finances, identification documents, or benefits.

18.2-195. Credit card fraud

- Anyone *with the intent to defraud* who:
 - Uses a credit card obtained in violation of § 18.2-192 (or that he knows to be expired) to obtain money, goods, services, or anything else of value.
 - Obtains money, goods, services, or anything else of value by representing, without the consent of the cardholder, that he is the card holder OR that he is the card holder when no card has been issued.
 - Obtains control over a credit card as security for a debt.
 - Knowingly obtaining money from an issuer when (s)he knows that such advance will exceed his/her available credit with the issuer.
- Anyone who is authorized by an issuer to furnish money, goods, services, or anything else of value upon presentation of credit card *with the intent to defraud the issuer or the cardholder* who:
 - Furnishes money, goods, etc. on presentation of a credit card obtained in violation of § 18.2-192 (or that he knows is expired).
 - Represents to the issuer that he has furnished goods, money, etc. to the cardholder and fails to furnish said goods.
 - Gives to an issuer a record of a credit card transaction that is in excess of the monetary amount authorized by the card holder.
- If less than \$1,000 in any 6 month period, class 1 misdemeanor. If more than \$1,000 in any 6 month period, class 6 felony.

18.2-197. Criminally receiving goods and services fraudulently obtained

- Anyone who receives money, goods, services, or anything else of value obtained by credit card fraud *with the knowledge or belief that it was obtained* by credit card fraud.
- Conviction of criminal receipt of goods and services fraudulently obtained is punishable as a class 1 misdemeanor if the value is below \$1,000 in any 6-month period. If more than \$1,000 in any 6-month period is a class 6 felony.

18.2-206. Procuring a vehicle or boat with intent to defraud

- Anyone who procures any animal, aircraft, vehicle, boat, or vessel mentioned in § 18.2-149 by *fraud or misrepresenting himself as someone else or with the intent to defraud*.
- Failure to pay the rental for or damage to the vehicle, etc. OR leaving without paying such rental or damage is prima facie evidence of the intent to defraud at the time of renting or leasing said vehicle.

18.2-258. Certain premises deemed common nuisance

- Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse, dwelling house, apartment, building of any kind, vehicle, vessel, boat, or aircraft *without the knowledge of the owner* is frequented by persons under the influence of illegally obtained controlled substances or marijuana; OR for the *purpose* of illegally obtaining, manufacturing, or distributing controlled substances or marijuana; OR is used for the illegal possession, manufacture, or distribution of controlled substances or marijuana shall be deemed a common nuisance.
- Any such owner who knowingly permits such a common nuisance is guilty of a class 1 misdemeanor, or for a subsequent offense a class 6 felony.

18.2-266.1. Persons under age 21 driving after illegally consuming alcohol

- Anyone under the age of 21 who operates any motor vehicle after illegally consuming alcohol. Any person with a blood alcohol concentration of 0.02 percent or more by weight by volume (or 0.02 grams or more per 210 liters of breath) but less than 0.08 by weight by volume.
- Class 1 misdemeanor.

18.2-346. Prostitution; commercial sexual conduct; penalties.

- Anyone who for money commits any act of § 18.2-361; performs cunnilingus, fellatio, or anilingus upon or by another person; engages in sexual intercourse or anal intercourse; touches the unclashes genitals or anus of another person with the intent to sexually arouse or gratify.
- Anyone who offers to commit any act in violation of § 18.2-361; perform cunnilingus, fellatio, or anilingus upon or by another person; engage in sexual intercourse or anal intercourse; touch the unclothed genitals or anus of another person with the intent to sexually arouse or gratify; or allow another to touch his unclothed genitals or anus with the intent to sexually arouse or gratify, and afterwards does anything in furtherance is guilty of prostitution.

18.2-347. Keeping, residing in, or frequenting a bawdy place; "bawdy place" defined; penalty.

- Anyone who keeps any bawdy place, or to reside in or at or visit for immoral purposes any such bawdy place.
- Each day such a bawdy place is kept, resided in, or visited shall constitute a separate offense.
- "Bawdy place" means any place within or outside any building or structure that is used for lewdness, assignation, or prostitution.

18.2-349. Using vehicles to promote prostitution or unlawful sexual intercourse

- Any owner or chauffeur of any vehicle, with knowledge or reason to believe the same is to be used for the purpose of prostitution or unlawful sexual intercourse or to aid/promote such prostitution or unlawful sexual intercourse using any such vehicle.
- Class 1 misdemeanor.
- However, if any adult violates this section to aid or promote the prostitution or unlawful sexual intercourse with a person under the age of 18 is guilty of a class 6 felony.

18.2-388. Public intoxication

- Anyone intoxicated in public (intoxication from alcohol, narcotics, or other intoxicant) is guilty of Class 4 misdemeanor.

18.2-415. Disorderly conduct

- Anyone *with the intent to cause public inconvenience, annoyance, or alarm* is guilty of disorderly conduct:
 - In any street, highway, or public building, while on a public conveyance or in a public place, engages in conduct having a direct tendency to cause acts of violence by the person at whom the conduct is directed.
 - Intoxication (willfully or not) that disrupts any funeral, memorial service, or meeting of the governing body of any political subdivision of this Commonwealth, if the disruption (1) prevents or interferes with the orderly conduct, OR (2) has a direct tendency to cause acts of violence by the person at whom the disruption is directed.
 - Intoxication (willfully or not) that disrupts the operation of any school or any activity conducted or sponsored by the school, if the disruption (1) prevents or interferes with the orderly conduct, OR (2) has a direct tendency to cause acts of violence by the person at whom the disruption is directed.

46.2-300. Driving without license

- Noone (except those expressly exempted in §§ 46.2-303–308) shall drive any vehicle on any highway until that person has applied for a driver's license, passed the exam, and obtained a driver's license, and the license remains valid.
- Class 2 misdemeanor.

46.2-301. Driving with a suspended or revoked license

- Any vehicle impounded or immobilized (under § 46.2-301.1) may, at the court's discretion) be impounded/immobilized for an additional 90 day period upon the conviction of the offender driving with a suspended or revoked license.
 - However, if the offender was driving another's vehicle at the time of the violation, the court has no jurisdiction over that vehicle (can only impound a vehicle owned by the offender).
- Noone whose driver's license has been suspended or revoked (or has been directed not to drive or forbidden to drive by statute) shall drive any vehicle on any highway in Virginia until the period of suspension/revocation has ended.
 - Does not include mopeds.
 - Class 1 misdemeanor.

46.2-346(A)(1)–(3) False ID

- Noone shall:
 - Display or have in his possession a driver's license which he *knows* to be fake or have been revoked, or altered for the purpose of evading this rule;
 - Lend to or permit another to use a driver's license not issued to the person lending/permitting the use of;
 - Display or represent as his own any driver's license not issued to him.