



2019 VIRGINIA LAW ENFORCEMENT LEGISLATIVE UPDATE

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INSTRUCTIONS:

Rely only on the final version of the legislation itself. To see new language:

1. Click bill number [hyperlink](#) to get the final bill language.
2. Click on the “*hilite*” button at the top right to see new language highlighted in yellow.

New laws are effective on July 1, 2019, unless 1) they include an emergency clause making the law effective upon the Governor’s signature, or 2) they include a delayed enactment clause.

Alcoholic Beverage Control (ABC)

HB 1770/SB 1668 - **Alcoholic beverage control; Sunday store hours; distiller commission.** Requires the Alcoholic Beverage Control Authority (the Authority) to pay a distiller who operates a government store on the distiller's licensed premises a commission of not less than 20 percent of the retail price of any goods sold. The bill also allows certain government stores, as determined by the Board of Directors (the Board) of the Authority, to be open on Sundays for the sale of alcoholic beverages after 10:00 a.m. Finally, the bill grants the Board the power to employ or retain in-house legal counsel to advise or represent the Authority in hearings, controversies, or other matters involving the interests of the Authority. The bill provides, however, that upon request by the Board, the Attorney General shall provide legal services for the Authority in accordance with current law.

HB 1960- **Alcoholic beverage control; low alcohol beverage coolers.** Allows low alcohol beverage coolers to be manufactured by a licensed distiller or a distiller located outside of the Commonwealth. The bill also allows licensed distillers to use spirits manufactured by another licensed distiller in the manufacture of low alcohol beverage coolers. In addition, the bill allows (i) low alcohol beverage coolers to be sold in government stores and (ii) distillers to sell low alcohol beverage coolers that are manufactured or blended by such distillers at government stores established on their licensed premises.

HB 2073/SB 1726 - **Alcoholic beverage control; happy hour advertising.** Expands the ability of retail on-premises licensees to advertise happy hours by allowing them to advertise the prices of featured alcoholic beverages and to use creative marketing techniques, provided that such techniques do not tend to induce overconsumption or consumption by minors.

SB 1171 - **Alcoholic beverage control; local special events license.** Creates a local special events license, which allows a locality, business improvement district, or nonprofit organization to permit the consumption of alcoholic beverages within the area designated by the Board of Directors of the Virginia Alcoholic Beverage Control Authority for a special event, provided that such alcoholic beverages are purchased from a permanent retail on-premises licensee located within such designated area and are contained in disposable containers that clearly display the selling licensee's name or logo. The bill limits local special events licensees to 12 events per year and provides that the area designated for the special event may include sidewalks and the premises of businesses not licensed to sell alcoholic beverages, upon approval of such businesses.

SB 1420 - **Alcoholic beverage control; alcoholic beverage licenses.** Creates a coworking establishment license that allows facilities that have at least 100 members and offer shared office space to serve wine and beer to members and guests on the licensed premises. The bill imposes a \$500 annual state tax and a \$50 annual local tax on the license. The bill also creates a bespoke clothier establishment license that allows permanent retail establishments that offer, by appointment only, custom made apparel and that offer a membership program to customers to serve wine or beer for on-premises consumption upon the licensed premises approved by the Board to any member. The bill imposes a \$100 annual state tax and a \$20 annual local tax on the license.

Animals & Hunting

HB 1613 – **Penalty for wanton waste.** Changes from a Class 3 misdemeanor to a Class 2 misdemeanor the penalty for violating a regulation prohibiting wanton waste, or the allowing of a killed or crippled game animal or nonmigratory game bird to be wasted without making a reasonable effort to retrieve the animal.

HB 1621 - **Hunting license; trip hunting license for residents.** Allows Virginia residents to purchase a trip hunting license in lieu of the standard local or statewide hunting license. Current law allows only nonresidents to purchase a trip hunting license.

HB 1625 – **Animal care; adequate shelter.** Provides that the definition of "adequate shelter" includes the provision of shelter that, during hot weather, is shaded and does not readily conduct heat and, during cold weather, has a windbreak at its entrance and provides sufficient bedding material.

HB 1626 – **Animal fighting; confiscation of tethered cocks.** Provides that an animal control officer shall confiscate a tethered cock if such cock has been, is, or is intended, to be used in animal fighting.

HB 1696 – **Killing of nuisance species from an automobile.** Authorizes killing a nuisance species on private property by the owner of such property or his designee from a stationary automobile or other stationary vehicle.

HB 1874/SB 1604 – **Cruelty to animals; serious bodily injury; penalty.** Provides that any person who tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, or mutilates any dog or cat that is a companion animal whether belonging to him or another, and as a direct result causes serious bodily injury to such dog or cat, is guilty of a Class 6 felony. Current law requires that the animal die for the person to be guilty of the felony.

HB 2745 – **Dangerous dog; deferral of proceedings.** Authorizes a court to defer proceedings in the adjudication of an animal as a dangerous dog. Such authority requires the court to place conditions upon the owner of the animal, the violation of which shall authorize the court to proceed as it otherwise would have. The bill provides that upon the fulfillment of the conditions, the court shall dismiss the proceedings against the animal and the owner.

SB 1025 – **Tethering of animals; adequate shelter and space.** Provides that in order to meet the requirement that an animal be given adequate space, a tether must be at least three times the length of the animal or 10 feet in length, whichever is greater, and not cause injury or pain, weigh more than one-tenth of the animal's body weight, or have weights or heavy objects attached to it. Current law requires that the tether be at least three times the length of the animal. The bill exempts agricultural animals from provisions of the law related to tethering. The bill defines "adequate shelter" to mean the provision of shelter that, during hot weather, is shaded and does not readily conduct heat and, during cold weather, has a windbreak at its entrance and provides sufficient bedding material.

SB 1367 - **Dogs running at large in packs; local ordinance; civil penalty.** Requires a locality that adopts an ordinance to prohibit the running at large of all or any category of dogs to exempt dogs used for hunting and requires such locality to include in such ordinance a civil penalty in an amount established by the locality not to exceed \$100 per dog. The bill requires that such civil penalties be deposited by the local treasurer in the dog and cat license fund, which is used to support animal control.

Correctional Facilities

HB 1935 - **Inmate workforces; eligibility for voluntary participation.** Clarifies eligibility for voluntary participation in an inmate workforce with the approval of and under the supervision of the sheriff or his designee.

HB 2213 - **Exchange of medical and mental health information and records of person committed to jail; local probation officers.** Adds local probation officers to the list of persons among whom the medical and mental health information and records of any person committed to jail, and transferred to another correctional facility, may be exchanged.

HB 2499 - **DOC; policies to improve exchange of offender medical information.** Directs the Department of Corrections to develop policies to improve the exchange of offender medical and mental health information, including policies to improve access to electronic medical records by health care providers and electronic exchange of information for telemedicine and telepsychiatry and to report by October 1, 2019, on its progress in developing such policies to the Chairmen of the House Committee on Health, Welfare and Institutions, the Senate Committee on Education and Health, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century.

SB 1516 - **Department of Corrections; disclosure of information; delivery of controlled substances to prisoners.** Requires the Director of the Department of Health Professions, upon receiving a request for information, to disclose to an investigator for the Department of Corrections, who has completed the Virginia State Police Drug Diversion School and who has been designated by the Director of the Department of Corrections, information relevant to a specific investigation of a specific individual into a possible unlawful delivery of a controlled substance.

SB 1772 - **Restraint of pregnant offenders.** Requires the Board of Corrections to review its standards related to allowable restraint practices for pregnant prisoners to ensure that (i) pregnant prisoners are treated humanely and restrained in a manner that accounts for their specific health needs and (ii) such restraint procedures provide adequate protection for the safety of correctional staff and others who may be in close proximity to such prisoners.

Crimes & Offenses

HB 2056/SB 1031 – **False information and hoax criminal activities; penalty.** Makes it a Class 1 misdemeanor for any person to knowingly, with the intent to mislead a law-enforcement agency, cause another to give a false report to any law-enforcement official by publicly simulating a violation of Chapter 4 (§ 18.2-30 et seq.) (Crimes Against the Person) or Chapter 5 (§ 18.2-77 et seq.) (Crimes Against Property) of Title 18.2.

HB 2170 – **False caller identification information; penalty.** Makes it a Class 3 misdemeanor for any person who, with the intent to defraud, intimidate, or harass, causes a telephone to ring and engages in conduct that results in the display of false caller identification information on the called party's telephone. The bill raises the penalty to a Class 2 misdemeanor for a second or subsequent conviction. The bill does not apply to the blocking of caller identification information, to law-enforcement agencies and officers, to intelligence or security agencies of the federal government and their employees, or to

telecommunications, broadband, or Voice-over-Internet protocol service providers in certain circumstances.

[HB 2411/SB 1469](#) – **Timber sales; theft; accounting; penalty.** Provides that a person who buys and removes timber from a landowner's property is guilty of timber theft if he fails to pay the landowner by the date specified in their agreement or, if there is no written agreement, within 60 days of removing the timber. The bill provides that a person who is convicted of timber theft is guilty of a Class 1 misdemeanor and shall be ordered to pay three times the value of the timber removed in addition to any penalties imposed by the court. The bill provides that, following the passing of the payment deadline, a buyer's failure to pay within 10 days of receiving a demand for payment shall constitute prima facie evidence of the buyer's intent to violate the timber theft provision. An exception exists for a purchaser who made payment to a person he believed in good faith to be the rightful owner of the timber.

The bill requires a timber buyer, in certain cases, to furnish at the request of the landowner an accounting of each load removed from the property, with all supporting documentation. A person who fails to provide such information, or who provides false information, is guilty of a Class 3 misdemeanor.

The bill extends from 30 days to 90 days the period during which the owner of land on which a person encroached and cut timber has the right to notify such trespasser and to appoint a timber estimator to determine the amount of damages and directs the State Forester to assist landowners and law-enforcement agencies with regard to reported cases of timber theft.

Finally, the bill excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act those records of the Department of Forestry that are composed of confidential commercial or financial information supplied to the Department in the course of a timber theft investigation.

[HB 2452](#) – **Contempt of court; failure to appear.** Provides that contempt of court for willful failure to appear may be punished summarily. The bill also requires judges to indicate, in writing, the reason for a charge and punishment of contempt when punished summarily. As introduced, this bill is a recommendation of the Virginia State Crime Commission.

[HB 2678/SB 1736](#) – **Unlawful dissemination or sale of images of another person; penalty.** Provides, for the purposes of the prohibition against the unlawful dissemination or sale of certain images of another person, that "another person" includes a person whose image was used in creating, adapting, or modifying a videographic or still image with the intent to depict an actual person and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic.

[SB 1304](#) - **Smoking in outdoor amphitheater or concert venue; civil penalty.** Authorizes any locality, by ordinance, to designate reasonable no-smoking areas within an outdoor amphitheater or concert venue owned by the locality. The bill requires such ordinance to (i) require adequate signage designating such areas, (ii) provide that a violation of such ordinance is subject to a civil penalty of not more than \$25 to be paid into the treasury of the locality where the offense occurred and expended solely for public health purposes, and (iii) provide that any law-enforcement officer may issue a summons regarding a violation of the ordinance.

[SB 1395](#) – **Threats of death or bodily injury to a health care provider.** Provides that any person who orally makes a threat to kill or to do bodily injury against any health care provider who is engaged in the performance of his duties in a hospital or in an emergency room on the premises of any clinic or other

facility rendering emergency medical care is guilty of a Class 1 misdemeanor, unless the person is on the premises of the hospital or emergency room as a result of an emergency custody order, an involuntary temporary detention order, an involuntary hospitalization order, or an emergency custody order of a conditionally-released acquittee.

SB 1625 - Statewide Fire Prevention Code; definition of permissible fireworks. Changes the definition of permissible fireworks for purposes of the Statewide Fire Prevention Code to mean any fountains that do not emit sparks or other burning effects to a distance greater than five meters (16.4 feet); wheels that do not emit a flame radius greater than one meter (39 inches); crackling devices and flashers or strobes that do not emit sparks or other burning effects to a distance greater than two meters (78.74 inches); and sparkling devices or other fireworks devices that (i) do not explode or produce a report, (ii) do not travel horizontally or vertically under their own power, (iii) do not emit or function as a projectile, (iv) do not produce a continuous flame longer than 20 inches, (v) are not capable of being reloaded, and (vi) if designed to be ignited by a fuse, have a fuse that is protected to resist side ignition and a burning time of not less than four seconds and not more than eight seconds. Current law defines this category of fireworks in more general terms.

SB 1738 – Illegal gambling; definition. Amends the definition of illegal gambling to clarify that the making, placing, or receipt of any bet or wager of money or other consideration or thing of value shall include the purchase of a product, Internet access, or other thing made in exchange for a chance to win a prize, stake, or other consideration or thing of value by means of the operation of a gambling device, regardless of whether the chance to win such prize, stake, or other consideration or thing of value may be offered in the absence of a purchase.

Criminal Procedure

HB 1751/SB 1050 – Forgery; venue. Provides that, in addition to the current forgery venue provisions, forgery may be prosecuted in any county or city where an issuer, acquirer, or account holder sustained a financial loss as a result of the offense.

HB 1998 – Exposure to bodily fluids; infection with human immunodeficiency virus or hepatitis B or C viruses; expedited testing. Requires a general district court to hold a hearing within 48 hours of a petition being filed seeking to compel collection of a blood specimen for testing for human immunodeficiency virus or the hepatitis B or C viruses when exposure to bodily fluids occurs between a person and any health care provider, person employed by or under the direction and control of a health care provider, law-enforcement officer, firefighter, emergency medical services personnel, person employed by a public safety agency, or school board employee and the person whose blood specimen is sought refuses to consent to providing such specimen. The bill directs the Office of the Executive Secretary of the Supreme Court of Virginia to publish a petition form for such filing. If the court is closed during the 48-hour time period, the petition shall be heard on the next day that the court is in session. The bill allows a testing order to be issued based on a finding that there is probable cause to believe that exposure has occurred. Any person who is the subject of such order may appeal to the circuit court of the same jurisdiction within 10 days of receiving notice of the order. The bill specifies that no specimen obtained as a result of a testing order shall be tested for any purpose other than for the purpose provided for in the bill, nor shall the specimen or the results of such testing be used for any purpose in any criminal matter or investigation. Any violation shall constitute reversible error in any criminal case in which the specimen or results were used.

[HB 2320](#) – **Resetting bail, bond, and recognizance determinations; jurisdiction.** Provides that any motion to alter the terms and conditions of bail where the initial bail decision is made by a judge or clerk of a district court or by a magistrate on any charge originally pending in that district court shall be filed in that district court unless (i) a bail decision is on appeal, (ii) such charge has been transferred to a circuit court, or (iii) such charge has been certified by a district court. The bill also provides that a bail decision of a higher court from an appeal of a lower court's bail decision shall be remanded to the lower court in which the case is pending for enforcement and modification of bail. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference.

[HB 2343/SB 1602](#) – **Fingerprint bill.** Expansive bill to address incomplete criminal records in CCRE. See supplemental outline prepared by the Virginia State Police.

[HB 2413](#) – **Multi-jurisdiction grand jury; secrecy of information.** Provides that any person granted permission to make notes and to duplicate portions of the evidence given before the multi-jurisdiction grand jury shall maintain the secrecy of all information obtained from a review or duplication of the evidence presented to the multi-jurisdiction grand jury, except for disclosure as he deems necessary for use in a criminal investigation or proceeding. The bill also provides that after a person has been indicted by a grand jury, the attorney for the Commonwealth shall notify such person that the multi-jurisdiction grand jury was used to obtain evidence for a prosecution. As introduced, the bill was a recommendation of the Virginia Criminal Justice Conference.

[HB 2439/SB 1166](#) – **DNA analysis; conviction of certain crimes or similar ordinance of a locality.** Adds persons convicted of a violation of a local ordinance that is similar to certain crimes listed under current law to the list of persons from whom a blood, saliva, or tissue sample shall be taken for DNA analysis to determine identification characteristics specific to the person. As introduced, this bill was a recommendation of the Virginia State Crime Commission.

[HB 2453](#) – **Bail and recognizances; magistrate's checklist; surety's basis for request for capias.** Requires a magistrate who conducts a bail hearing for a person arrested on a warrant or capias for a jailable offense to describe, on a form provided by the Executive Secretary of the Supreme Court, the information considered in conducting such hearing, including (i) the nature and circumstances of the offense, (ii) whether a firearm was used in the offense, (iii) the financial resources of the accused, (iv) the character and appearance of the accused, and (v) the criminal history of the accused. The bill requires such magistrate to transmit such completed form to the circuit court or district before which the warrant or capias is returnable. The bill also requires a surety on a bond in recognizance to state the basis for which a capias is being requested from the court on the surety's application for the capias. As introduced, the bill was a recommendation of the Virginia State Crime Commission.

[HB 2484](#) – **Credit card offenses; venue.** Provides that a prosecution for an offense related to credit cards may occur in the county or city in which the cardholder resides. Under current law, such prosecution may only be had in the county or city in which (i) any act in furtherance of the crime was committed or (ii) an issuer or acquirer, or an agent of either, sustained a financial loss as a result of the offense.

[HB 2746](#) - **Central Criminal Records Exchange; background checks through Live Scan device.** Requires the Department of State Police (the Department) to accept requests for background checks through the use of a Live Scan device certified by the Federal Bureau of Investigation by any agency or organization located within the Commonwealth that (i) is a business or organization that provides care to children or the elderly or disabled and is authorized to receive criminal history record

information and (ii) utilizes a fingerprint background check as a condition of licensure, certification, employment, or volunteer service. The bill states that any such agency or organization transmitting requests for background checks to the Department shall be responsible for all costs associated with capturing, formatting, encrypting, and transmitting all required information in a manner prescribed by the Department. The bill provides that the Department shall only provide the criminal history record information to the extent authorized by state or federal law, rules, and regulations and that the Department may deny any such agency or organization access to criminal history record information if the Department finds that such agency or organization has failed to comply with state or federal law, rules, or regulations.

SB 1529 – Reports to Central Criminal Records Exchange; additional offenses. Adds several criminal offenses to the list of offenses for which a report to the Central Criminal Records Exchange is required. The reports contain such information as is required by the Exchange and are accompanied by fingerprints of the individual arrested. The bill as introduced was a recommendation of the Virginia State Crime Commission.

SB 1619 - Spoliation of evidence. Establishes that a party or potential litigant has a duty to preserve evidence that may be relevant to reasonably foreseeable litigation. The bill further provides that a court (i) upon finding prejudice to another party from loss, disposal, alteration, concealment, or destruction of such evidence, may order measures no greater than necessary to cure the prejudice, or (ii) only upon finding that the party acted recklessly or with the intent to deprive another party of the evidence's use in the litigation, may (a) presume that the evidence was unfavorable to the party, (b) instruct the jury that it may or shall presume that the evidence was unfavorable to the party, or (c) dismiss the action or enter a default judgment. The bill further provides that no independent cause of action for negligent or intentional spoliation of evidence is created.

SB 1686 – Volunteer assistant attorneys for the Commonwealth. Permits attorneys for the Commonwealth to appoint volunteer assistants in any jurisdiction. Under current law, attorneys for the Commonwealth may only appoint volunteer assistants in cities with a population over 350,000, any city contiguous thereto, and the City of Richmond.

Domestic Violence/Family Abuse

HB 1673 – Preliminary protective orders; full hearing date; court closure. Provides that if a court is lawfully closed and such closure prevents the full hearing for a preliminary protective order from being held within 15 days of the issuance of the preliminary order, the hearing shall be held on the next day not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.

SB 1429 - Medical evidence admissible in juvenile and domestic relations district court; preliminary protective order hearings. Adds preliminary protective order hearings to the list of hearings where 24-hour written notice of intention to present medical evidence is required to present a medical report as evidence in a juvenile and domestic relations district court. Under current law, notice of 24 hours is permitted only in preliminary removal hearings or in preliminary protective orders in cases of family abuse.

SB 1540 – Protective orders; contents of preliminary protective orders; docketing of appeal. Provides that if a preliminary protective order is issued in an ex parte hearing where the petition for the order is supported by sworn testimony, and not an affidavit or a form completed by a law-

enforcement officer that includes a statement of the grounds for the order, the court issuing the order shall state in the order the basis on which the order was entered, including a summary of the allegations made and the court's findings. The bill also requires that an appeal of a permanent protective order be docketed within two business days of receipt of such appeal. Under current law, such appeals are to be given precedence on the docket of the court over other civil appeals but otherwise docketed and processed in the same manner as other civil cases.

Drones

HB 1636 – **Trespass; unmanned aircraft system; prohibited take off or landing; penalty.** Provides that any person who knowingly and intentionally causes an unmanned aircraft system to take off or land in violation of current Federal Aviation Administration Special Security Instructions or UAS Security Sensitive Airspace Restrictions is guilty of a Class 1 misdemeanor.

SB 1507 – **Use of unmanned aircraft systems by law-enforcement officers; persons sought for arrest; hot pursuit.** Provides that a law-enforcement officer may deploy an unmanned aircraft system (i) to aerially survey a primary residence of the subject of the arrest warrant to formulate a plan to execute an existing arrest warrant or *capias* for a felony offense or (ii) to locate a person sought for arrest when such person has fled from a law-enforcement officer and a law-enforcement officer remains in hot pursuit of such person.

Drugs

HB 1720/SB 1632 – **Permission to possess CBD & THC-A oils in public schools.** Provides that no school nurse employed by a local school board, person employed by a local health department who is assigned to the public school pursuant to an agreement between the local health department and the school board, or other person employed by or contracted with a local school board to deliver health-related services shall be prosecuted for possession or distribution of cannabidiol oil or THC-A oil for storing, dispensing, or administering cannabidiol oil or THC-A oil, in accordance with a policy adopted by the local school board, to a student who has been issued a valid written certification for the use of cannabidiol oil or THC-A oil. The bill also provides that the Department of Health Professions, in coordination with the Department of Education, shall develop and make available to school boards a standardized form that is to be completed by the practitioner who issues a written certification and a pharmaceutical processor that dispenses the cannabidiol oil or THC-A oil to a student. The bill also provides that no school board shall be required to suspend or expel any student who holds a valid written certification for the use of cannabidiol oil or THC-A oil issued by a practitioner for the possession or use of such oil in accordance with the student's individualized health plan and in compliance with a policy adopted by the school board.

HB 1803 – **Controlled substances; Schedules I and II.** Adds certain chemicals to Schedule I and Schedule II of the Controlled Substances Act.

HB 1839/SB 1692 - **Industrial hemp; federal Farm Bill; emergency.** Conforms Virginia law to the provisions of the federal 2018 Farm Bill by amending the definitions of cannabidiol oil, marijuana, and tetrahydrocannabinol (THC) to exclude industrial hemp in the possession of a registered person, hemp

products, or an oil containing no more than 0.3% THC. The bill defines "industrial hemp" as any part of the plant *Cannabis sativa* that has a concentration of THC that is no greater than that allowed by federal law, and it defines "hemp product" as any finished product that is otherwise lawful and that contains industrial hemp. The bill adds the category of "dealer" in industrial hemp to the existing registration categories of grower and processor.

The bill requires any registered grower, dealer, or processor who negligently violates the law to comply with a corrective action plan established by the Commissioner of Agriculture and Consumer Services (the Commissioner). The plan must identify a date by which the person is required to correct the violation and requires the person to report periodically for not less than two calendar years on his compliance with the law. No person who negligently violates the industrial hemp law three times in a five-year period is eligible to grow, deal in, or process industrial hemp for a period of five years beginning on the date of the third violation.

The bill directs the Commissioner to (i) revoke the registration of any registered grower, dealer, or processor who violates the law with a culpable mental state greater than negligence and (ii) advise the Attorney General of the United States and the Superintendent of State Police, or the chief law-enforcement officer of the county or city, when such person grows, deals in, or processes any *Cannabis sativa* with a concentration of THC that is greater than that allowed by federal law with a culpable mental state greater than negligence.

The bill authorizes the Department of Agriculture and Consumer Services (the Department), if it obtains the approval of the U.S. Secretary of Agriculture, to refrain from requiring destruction of industrial hemp until the THC level is greater than 0.6%, and it authorizes the Department at that point to allow a re-test of the industrial hemp if the THC level is no greater than one percent.

The bill abolishes the higher education and Virginia industrial hemp research programs, along with the requirement that a grower or processor act exclusively within such a program. The bill authorizes the Commissioner to charge a fee for certain THC testing. Finally, the bill directs the Department to report by December 1, 2019, (a) to the General Assembly on the fiscal impact of the growth of the industrial hemp industry upon the Department's registration program and the existence of any need to alter the registration fee and (b) to the Chairmen of the House and Senate Agriculture Committees on the viability of markets for Virginia industrial hemp growers, the types of products made from industrial hemp that can be produced in Virginia, and the economic benefits and costs of production of such products. The bill also directs the Secretary of Agriculture and Forestry and the Secretary of Health and Human Resources to report by November 1, 2019, on the appropriate standards, if any, for the production of an oil with a THC concentration of no greater than 0.3 percent that is derived from industrial hemp. **The bill contains an emergency clause.**

[HB 1878](#) - Possession and administration of naloxone; regional jail employees. Adds employees of regional jails to the list of individuals who may possess and administer naloxone or other opioid antagonist, provided that they have completed a training program.

[HB 2138](#) – Huffing; Prohibited inhalants or other noxious chemical substances; fluorinated hydrocarbons and hydrogenated fluorocarbons. Adds fluorinated hydrocarbons or vapors and hydrogenated fluorocarbons to the list of prohibited drugs or noxious chemical substances that a person may deliberately smell or inhale with the intent to become intoxicated, inebriated, excited, or stupefied or

to dull the brain or nervous system or that a person may deliberately cause, invite, or induce a person to smell or inhale with the intent to intoxicate, inebriate, excite, stupefy, or dull the brain or nervous system of such person.

[HB 2158](#) - Dispensing of naloxone. Expands the list of individuals who may dispense naloxone pursuant to a standing order to include health care providers providing services in hospital emergency departments and emergency medical services personnel and eliminates certain requirements. The bill establishes requirements for the dispensing of naloxone in an injectable formulation with a hypodermic needle or syringe. The bill also allows a person who dispenses naloxone on behalf of an organization to charge a fee for the dispensing of naloxone, provided that the fee is no greater than the cost to the organization of obtaining the naloxone dispensed.

[HB 2557](#) - Drug Control Act; Schedule V; gabapentin. Classifies gabapentin as a Schedule V controlled substance. Current law lists gabapentin as a drug of concern. The bill also removes the list of drugs of concern from the Code of Virginia and provides that any wholesale drug distributor licensed and regulated by the Board of Pharmacy and registered with and regulated by the U.S. Drug Enforcement Administration shall have until July 1, 2020, or within six months of final approval of compliance from the Board of Pharmacy and the U.S. Drug Enforcement Administration, whichever is earlier, to comply with storage requirements for Schedule V controlled substances containing gabapentin.

[HB 2563](#) - Drug paraphernalia and controlled paraphernalia; fentanyl testing products. Clarifies that narcotic testing products used to determine whether a controlled substance contains fentanyl or a fentanyl analog are not drug paraphernalia or controlled paraphernalia.

[HB 2748/SB 1727](#) – Increase to age 21 for Cigarettes, E-cigarettes & Vaping Products; penalties. Increases the minimum age for persons prohibited from purchasing or possessing tobacco products, nicotine vapor products, and alternative nicotine products, and the minimum age for persons such products can be sold to, from 18 years of age to 21 years of age with an exception for active duty military personnel. The bill also allows tobacco products, nicotine vapor products, and alternative nicotine products to be sold from a vending machine if there is posted notice of the minimum age requirements and the machine is located in a place that is not open to the general public and not generally accessible to persons under 21 years of age. Under current law, tobacco products may be sold from a vending machine if there is posted notice of the minimum age requirements and the machine is located in a place that is not open to the general public and not generally accessible to minors.

[SB 1289](#) - Board of Pharmacy: seizure of controlled substances and prescription devices. Establishes a process by which the Board of Pharmacy, an authorized agent of the Board, or law enforcement can seize and place under seal controlled substances and prescription devices that are owned or possessed by a person or entity when the registration, license, permit, or certificate authorizing such ownership or possession is suspended or revoked. The bill also provides procedures and requirements for the transfer and disposal of sealed controlled substances and prescription devices if subject to forfeiture. The bill provides that the period in which the Director of the Department of Health Professions, his authorized agent, or a law-enforcement officer may properly dispose of the seized drugs and devices in the event the owner has not claimed and provided for the proper disposition of the property is 60 days from notice of seizure. Under current law, such period is six months from notice of seizure.

SB 1349 – Safe reporting of overdoses. Eliminates the requirement to substantially cooperate with law enforcement in any investigation of any criminal offense reasonably related to an overdose in order to qualify for an affirmative defense from prosecution for the unlawful purchase, possession, or consumption of alcohol, possession of a controlled substance, possession of marijuana, intoxication in public, or possession of controlled paraphernalia.

SB 1401 - Department of Forensic Science; possession of unlawful items by employees; immunity. Provides that a Department of Forensic Science employee may lawfully possess or transfer contraband items or materials while engaged in the performance of his official duties.

SB 1557 - Board of Pharmacy; cannabidiol oil and tetrahydrocannabinol oil; regulation of pharmaceutical processors. Authorizes licensed physician assistants and licensed nurse practitioners to issue a written certification for use of cannabidiol oil and THC-A oil. The bill requires the Board to promulgate regulations establishing dosage limitations, which shall require that each dispensed dose of cannabidiol oil or THC-A oil not exceed 10 milligrams of tetrahydrocannabinol. The bill requires the Secretary of Health and Human Resources and the Secretary of Agriculture and Forestry to convene a work group to review and recommend an appropriate structure for an oversight organization in Virginia and report its findings and recommendations to the Chairmen of the Senate Committees on Agriculture, Conservation and Natural Resources and Education and Health and the House Committees on Agriculture, Chesapeake and Natural Resources and Health, Welfare and Institutions by November 1, 2019.

SB 1653 - Prescription Monitoring Program; veterinarians. Exempts the dispensing of feline buprenorphine or canine butorphanol from the requirement that the dispensing veterinarian report certain information about the animal and the owner of the animal to the Prescription Monitoring Program. The bill also requires that every veterinary establishment licensed by the Board of Veterinary Medicine maintain records of the dispensing of feline buprenorphine and canine butorphanol, reconcile such records monthly, and make such records available for inspection upon request.

SB 1719 - Cannabidiol oil and THC-A oil; registered agents and pharmaceutical processors. Authorizes a patient or, if such patient is a minor or an incapacitated adult, such patient's parent or legal guardian to designate an individual to act as his registered agent for the purposes of receiving cannabidiol oil or THC-A oil pursuant to a valid written certification. Such designated individual is required register with the Board of Pharmacy (Board). The bill authorizes the Board to set a limit on the number patients for whom any individual is authorized to act as a registered agent. The bill authorizes a pharmaceutical processor to dispense cannabidiol oil or THC-A oil to such registered agent and provides such registered agent an affirmative defense for possession of cannabidiol oil or THC-A oil.

The bill authorizes a pharmaceutical processor, in addition to other employees authorized by the Board, to employ individuals (i) to perform cultivation-related duties under the supervision of an individual who has received a degree in horticulture or a certification recognized by the Board or who has at least two years of experience cultivating plants and (ii) to perform extraction-related duties under the supervision of an individual who has a degree in chemistry or pharmacology or at least two years of experience extracting chemicals from plants.

The bill directs the Board to promulgate regulations regarding the wholesale distribution of and transfer of cannabidiol oil or THC-A oil between pharmaceutical processors and removes a requirement that a pharmaceutical processor only dispense cannabidiol oil or THC-A oil cultivated and produced on-site. The

bill provides that a pharmaceutical processor may begin cultivation upon being issued a permit by the Board.

The bill provides that the concentration of tetrahydrocannabinol in any THC-A oil on site at a pharmaceutical processor may be up to 10 percent greater than or less than the level of tetrahydrocannabinol measured for labeling. Finally, the bill requires the Board of Pharmacy to promulgate regulations to implement the provisions of the bill within 280 days of its enactment.

DUI

HB 1941 – DUI Maiming; Maiming, etc., of another; driving while intoxicated; operating watercraft while intoxicated; penalties. Increases from a Class 6 felony to a Class 4 felony the punishment for a person who, as a result of driving while intoxicated or operating a watercraft or motorboat while intoxicated in a manner so gross, wanton, and culpable as to show reckless disregard for human life, unintentionally causes the serious bodily injury, as defined in the bill, of another person resulting in permanent and significant physical impairment. The bill creates a Class 6 felony for such driving or operation that unintentionally causes the serious bodily injury, as defined in the bill, of another person.

Elder Abuse

HB 1674 – Abuse and neglect of incapacitated adults; informed consent. Clarifies, for the purposes of the exemptions to abuse and neglect of incapacitated adults, that the informed consent or a declaration of the incapacitated person must have been given when such person was not incapacitated and that any wishes of the incapacitated person relied upon must have been made known when such person was not incapacitated. The bill provides that its provisions are declaratory of existing law.

HB 1987/SB 1490 – Banks may refuse transaction if financial exploitation suspected. Authorizes financial institution staff to refuse to execute a transaction, to delay a transaction, or to refuse to disburse funds, regardless of whether such staff has reported suspected financial exploitation, if the financial institution staff (i) believes in good faith that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an aged or incapacitated adult or (ii) makes, or has actual knowledge that another person has made, a report to the local department of social services or adult protective services hotline stating a good faith belief that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an aged or incapacitated adult. The measure authorizes financial institution staff to continue to refuse to execute a transaction, delay a transaction, or refuse to disburse funds for not more than 30 business days after the date such transaction or disbursement was initially requested on the basis of such a good faith belief, unless otherwise ordered by a court. The measure authorizes such staff, to the extent permitted by law, to report any information or records relevant to an investigation. A financial institution and its staff are immune from civil or criminal liability, absent gross negligence or willful misconduct, for refusing to execute a transaction, delaying a transaction, or refusing to disburse funds pursuant to this measure.

HB 2225 – Banks may report & provide records if suspect financial exploitation. Provides that any financial institution staff who suspects that an adult has been financially exploited may provide supporting information and records to the local department of social services or the adult protective services hotline,

in addition to reporting such suspected exploitation to such local department or such hotline provided for under current law.

[HB 2560/SB 1224](#) – **MDTs for elder abuse; Protective services; adult abuse, neglect, and exploitation; multidisciplinary teams.** Authorizes local departments of social services to foster, when practicable, the creation, maintenance, and coordination of hospital and community-based multidisciplinary teams focused on the abuse, neglect, and exploitation of adults 60 years of age or older or 18 years of age or older who are physically or mentally incapacitated. The bill provides that such teams may: (i) assist the local department of social services in identifying abused, neglected, and exploited adults; (ii) coordinate medical, social, and legal services for abused, neglected, and exploited adults and their families; (iii) develop innovative programs for detection and prevention of the abuse, neglect, and exploitation of adults; (iv) promote community awareness and action to address adult abuse, neglect, and exploitation; and (v) disseminate information to the general public regarding the problem of adult abuse, neglect, and exploitation, strategies and methods for preventing such abuse, neglect, and exploitation, and treatment options for abused, neglected, and exploited adults. The bill also allows the attorney for the Commonwealth in each jurisdiction to establish a multidisciplinary adult abuse, neglect, and exploitation response team to review cases of abuse, neglect, and exploitation of adults. Such multidisciplinary team may be established separately or in conjunction with any already existing multidisciplinary team.

Firearms

[HB 2548](#) – **Restoration of firearms rights; report to State Police.** Creates a method whereby circuit courts shall report to the Department of State Police the issuance of a restoration order that unconditionally authorizes the possession, transportation, or carrying of a firearm to a person (i) who has been convicted of a felony; (ii) adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of murder, kidnapping, robbery by the threat or presentation of firearms, or rape; or (iii) under the age of 29 who was adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult. The bill provides that if a court enters an order restoring a felon's right, the order shall contain the felon's name and date of birth and the clerk of the court shall certify and forward the restoration order accompanied by a complete set of the petitioner's fingerprints to the Central Criminal Records Exchange (CCRE). The bill provides that the Department of State Police, upon receipt of the restoration order, shall enter the felon's name and description in the CCRE so that law-enforcement personnel accessing the CCRE will be aware of the order's existence. **The bill has a delayed effective date of January 1, 2021.**

[SB 1048](#) - **Purchase of handguns or other weapons; auxiliary law-enforcement officers.** Eliminates the requirement that a sheriff or local police department seek written authorization or approval from the local governing body before allowing an auxiliary law-enforcement officer with more than 10 years of service to purchase the service handgun issued to him by the agency at a price that is equivalent to or less than fair market value.

[SB 1179](#) - **Application for a resident concealed handgun permit; United States Armed Forces.** Provides that for purposes of determining domicile to obtain a resident concealed handgun permit a member of the United States Armed Forces is domiciled in the county or city where such member claims his home of record with the United States Armed Forces. The bill clarifies that a member of the United States Armed Forces who is stationed outside of the Commonwealth but domiciled in the Commonwealth may apply for a resident concealed handgun permit.

FOIA

SB 1182 – Virginia Freedom of Information Act; meetings held through electronic communication means. Clarifies that certain requirements of current law regarding participation in public meetings through electronic communication means do not apply to meetings held to address a state of emergency declared by the Governor, specifically the requirements that public bodies (i) adopt a written policy regarding participation by electronic communication, (ii) have a quorum of a public body physically assembled at a primary or central location, and (iii) make arrangements for the voice of any member participating from a remote location to be heard by all persons at the primary or central location. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

SB 1184 – FOIA exemption for SARTs; exceptions. Provides that the Virginia Freedom of Information Act (FOIA) shall not apply to sexual assault response teams, with the exception of records relating to (i) protocols and policies of the sexual assault response team and (ii) guidelines for the community's response established by the sexual assault response team, which the bill provides shall be public records and subject to the provisions of FOIA. The bill also provides that FOIA shall not apply to multidisciplinary child sexual abuse response teams. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

SB 1554 - Virginia Freedom of Information Act (FOIA); civil penalties. Provides that in addition to any penalties imposed under FOIA, (i) if a court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of FOIA because such officer, employee, or member of a public body altered or destroyed the requested public records with the intention of avoiding the provisions of FOIA prior to the expiration of the applicable record retention period set pursuant to the Virginia Public Records Act, the court may impose upon such officer, employee, or member in his individual capacity a civil penalty of up to \$100 per record altered or destroyed and (ii) if a court finds that a member of a public body voted to certify a closed meeting and at the time of such certification an attorney representing the body was present and such certification was not in accordance with the requirements of FOIA, the court may impose on the public body a civil penalty of up to \$1,000.

Homicide

HB 2615/SB 1501 – Capital murder; law-enforcement officers and fire marshals; mandatory minimum. Provides that any person convicted of capital murder of a law-enforcement officer or certain other public safety officials who was 18 years of age or older at the time of the offense shall be sentenced to no less than a mandatory minimum term of confinement for life.

Human Trafficking

HB 1817 – Sex tourism; promoting travel for prostitution; penalty. Makes it a Class 1 misdemeanor for any travel agent to knowingly promote travel services for the purposes of prostitution or certain offenses involving minors that require registration on the Sex Offender and Crimes Against Minors Registry.

HB 1887 - Posting human trafficking hotline information. Requires the Virginia Alcoholic Beverage Control Authority and the Virginia Employment Commission to post notice of the existence of a human trafficking hotline in government stores, except for government stores established on a distiller's licensed premises, and in employment offices, respectively, to alert possible witnesses or victims of human trafficking to the availability of a means to report crimes or gain assistance.

HB 2464 – Closed circuit TV, testimony by child victims and witnesses; commercial sex trafficking and prostitution offenses. Allows a court to order, upon application by the attorney for the Commonwealth or the defendant, that the testimony of a child victim of an offense of commercial sex trafficking or prostitution, if such child is 14 years of age or younger at the time of the offense and 16 years of age or younger at the time of the trial, be taken by two-way closed-circuit television. The bill allows the same for child witnesses of such offenses who are 14 years of age or younger at the time of the trial. This bill is a recommendation of the Virginia State Crime Commission.

HB 2576/SB 1669 – Sex Trafficking Response Coordinator; duties; report. Creates, within DCJS, a Sex Trafficking Response Coordinator (the Coordinator) who shall (i) create a statewide plan for local and state agencies to identify and respond to victims of sex trafficking; (ii) coordinate the development of standards and guidelines for treatment programs for victims of sex trafficking; (iii) maintain a list of programs that provide treatment or specialized services to victims of sex trafficking and make such list available to law-enforcement agencies, attorneys for the Commonwealth, crime victim and witness assistance programs, the Department of Juvenile Justice, the Department of Social Services, the Department of Education, and school divisions; (iv) oversee the development of a curriculum to be completed by persons convicted of solicitation of prostitution; and (v) promote strategies for the awareness of sex trafficking, for education and training related to sex trafficking, and for the reduction of demand for commercial sex. The bill requires the Coordinator to report annually to the Governor and the General Assembly and include a summary of activities for the year and any recommendations to address sex trafficking within the Commonwealth. The bill as introduced was a recommendation of the Virginia State Crime Commission.

HB 2586 - Prostitution and sex trafficking; offenses involving a minor; penalties. Provides that any person who commits an act of aiding prostitution or illicit sexual intercourse or using a vehicle to promote prostitution or unlawful sexual intercourse, when such act involves a minor, is guilty of a Class 6 felony. Under current law, such acts are punishable as a Class 1 misdemeanor. The bill adds the two new felony offenses to (i) the definition of "violent felony" for the purposes of sentencing guidelines, (ii) the definition of barrier crimes for the purposes of background checks for employees or volunteers providing care to children or the elderly or disabled, (iii) the definition of predicate criminal acts for street gangs, (iv) the definition of racketeering activity under the Virginia Racketeer Influence and Corrupt Organization Act, (v) the list of violations that a multi-jurisdiction grand jury is responsible for investigating, and (vi) the list of offenses requiring registration in the Sex Offender and Crimes Against Minors Registry. The bill also adds felony prostitution and felony human trafficking offenses to the definition of "violent felony" for the purposes of sentencing guidelines. The bill also provides that each violation of commercial sex trafficking is a separate and distinct felony. The bill as introduced was a recommendation of the Virginia State Crime Commission.

HB 2597/SB 1661 – Child abuse and neglect report or complaint; victims of sex trafficking; taking child victim into custody. Requires a local department of social services to conduct a sex trafficking assessment upon receiving a complaint of suspected child abuse that is based upon information and allegations that a child is a victim of sex trafficking, provided that the local department has not determined that a separate investigation or family assessment is required. The bill also allows a child-protective

services worker of a local department responding to such complaint to take the child victim into custody and allows the local department to maintain custody of the child for up to 72 hours without prior approval of a parent or guardian. As introduced, this bill was a recommendation of the Virginia State Crime Commission.

[HB 2651](#) – **Virginia Prevention of Sex Trafficking Fund; fees for offenses related to sex trafficking.** Establishes the Virginia Prevention of Sex Trafficking Fund to be administered by DCJS for the purpose of promoting awareness of and preventive training and education relating to sex trafficking. The bill requires persons convicted of misdemeanor violations of prostitution, aiding prostitution, and using vehicles to promote prostitution to pay a \$100 fee and persons convicted of certain felony violations of abduction with the intent to extort money or for immoral purpose, placing or leaving wife for prostitution, or felony violations of the laws pertaining to commercial sex trafficking or prostitution offenses, with the exception of violations of crimes against nature, to pay a \$500 fee. Such fees are to be paid into the Virginia Prevention of Sex Trafficking Fund. As introduced, this bill was a recommendation of the Virginia State Crime Commission.

Juveniles – Victims & Offenders

[HB 1659/SB 1257](#) – **Clergy mandatory reporters; child abuse and neglect;** Adds to the list of persons who are required to report suspected child abuse or neglect ministers, priests, rabbis, imams, and duly accredited practitioners of any religious organization or denomination usually referred to as a church; however, the bill exempts such clergy members from the mandatory reporting requirement when the information supporting the suspicion of child abuse or neglect (i) is required by the doctrine of the religious organization or denomination to be kept confidential or (ii) would be subject to the exemptions set forth in § 8.01-400 or 19.2-271.3 if offered as evidence in court.

[HB 1671](#) - **Child abuse and neglect; investigations by local boards of social services.** Requires local boards of social services, when investigating an individual who is the subject of child abuse or neglect allegations or the subject of a family assessment, to determine whether such individual has resided in another state within at least the preceding five years and, if he has resided in another state, to request a search of the child abuse and neglect registry or equivalent registry maintained by such state.

[HB 1771](#) – **Virginia Juvenile Community Crime Control Act; prevention of juvenile crime prior to intake.** Provides that juveniles who have been screened for needing community-based services using an evidence-based assessment protocol are eligible to receive community-based services as provided by the Virginia Juvenile Community Crime Control Act (§ 16.1-309.2 et seq.). The bill also requires the total number of children who have been screened for needing community diversion or community-based services using an evidence-based assessment protocol to be factored into the funding determination for community diversion services as provided for by the Act.

[HB 1787/SB 1381](#) - **Student offenses reportable by intake officers to school division superintendents.** Adds (i) threats of death or bodily injury to another person communicated in writing to such person or member of such person's family and (ii) threats to commit serious bodily harm to persons on school property to the list of offenses that a juvenile intake officer is required to report to the school division superintendent when a petition is filed alleging that a juvenile student committed such an offense.

[HB 1953/SB 1416](#) - **Appeals from founded complaints of child abuse or neglect; concurrent criminal investigations.** Provides that whenever an appeal of a finding by a local department of social services is made and a criminal investigation is also commenced against the appellant for the same conduct involving the same victim as investigated by the local department, the appeal process shall automatically be stayed until the criminal investigation is closed or, in the case of a criminal investigation that is not completed within 180 days of the appellant's request for an appeal, for 180 days.

[HB 2414/SB 1201](#) – **Transfer of venue; delinquency; adjudication.** Provides that a transfer of venue in delinquency proceedings, which under current law may occur only after adjudication, may occur when such adjudication consists of a finding of facts sufficient to justify a finding of delinquency. This bill is a recommendation of the Committee on District Courts.

[HB 2438](#) - **Juvenile correctional officers; training standards.** Transfers the power and duty to establish compulsory minimum entry-level, in-service, and advanced training standards for juvenile correctional officers, as well as the time required for completion of such training, from the Department of Criminal Justice Services to the Department of Juvenile Justice.

[HB 2743](#) - **Child protective services; investigations and family assessments; contact information.** Requires any individual who is the subject of a child abuse or neglect investigation or family assessment to notify the local department of social services prior to changing his place of residence and provide the local department with the address of his new residence. The bill also requires the Department of Social Services to document and report to the Governor and the General Assembly by November 1, 2020, the number of individuals who notified a local department of social services of a change in address and provided updated contact information between July 1, 2019, and July 1, 2020.

[SB 1407](#) - **Child day programs; fingerprint background checks.** Allows local law-enforcement agencies to process and submit requests for national fingerprint background checks for employees and volunteers of child day programs operated by a local government. The bill has a delayed effective date of July 1, 2020.

Landlord-Tenant

[HB 1898](#) - **Virginia Residential Landlord and Tenant Act; tenant's right of redemption.** Extends the amount of time that a tenant may have an unlawful detainer dismissed to two days before a writ of eviction is delivered to be executed if the tenant pays all amounts claimed on the summons in unlawful detainer to the landlord, the landlord's attorney, or the court.

[HB 1922/SB 1627](#) - **Summons for unlawful detainer; initial hearing; subsequent filings; termination notice.** Provides that if an initial hearing on a summons for unlawful detainer cannot be held within 21 days from the date of filing, it shall be held as soon as practicable, but not later than 30 days after the date of the filing. The bill further provides that an order of possession for the premises in an unlawful detainer action shall not be entered unless the plaintiff or the plaintiff's attorney or agent has presented a copy of a proper termination notice that the court admits into evidence. The bill allows a plaintiff to amend the amount alleged to be due and owing in an unlawful detainer action to request all amounts due and owing as of the date of a hearing on the action and to further amend such an amount to include additional amounts that become due and owing prior to the final disposition of a pending unlawful detainer action.

The bill prohibits a plaintiff from filing a subsequent and additional unlawful detainer summons for such additional amounts.

[HB 2007/SB 1448](#) - **Eviction; writs of possession and eviction.** Changes the terminology from writ of possession to writ of eviction for the writ executed by a sheriff to recover real property pursuant to an order of possession. The bill specifies that an order of possession remains effective for 180 days after being granted by the court and clarifies that any writ of eviction not executed within 30 days of its issuance shall be vacated as a matter of law, and no further action shall be taken by the clerk. As introduced, this bill is a recommendation of the Virginia Housing Commission.

Law Enforcement Officers

[HB 2166](#) - **Department of Criminal Justice Services; definition of law-enforcement officer; security division of the Virginia Lottery.** Removes from the definition of law-enforcement officer, as it applies to an investigator who is a sworn member of the security division of the Virginia Lottery, the requirement that such investigator be a full-time member of the division.

[HB 2656](#) - **Law-Enforcement Officers Procedural Guarantee Act; definition of law-enforcement officer.** Amends the definition of "law-enforcement officer" under the Law-Enforcement Officers Procedural Guarantee Act (the Act) to include those persons who are nonprobationary officers of the police department, bureau, or force of any political subdivision or the campus police department of any public institution of higher education of the Commonwealth where such department, bureau, or force has three or more law-enforcement officers. Currently, such department, bureau, or force is required to have at least 10 law-enforcement officers for purposes of this definition.

[SB 1048](#) - **Purchase of handguns or other weapons; auxiliary law-enforcement officers.** Eliminates the requirement that a sheriff or local police department seek written authorization or approval from the local governing body before allowing an auxiliary law-enforcement officer with more than 10 years of service to purchase the service handgun issued to him by the agency at a price that is equivalent to or less than fair market value.

Memorials

[HB 2011](#) - **Special license plates; MOVE OVER.** Authorizes the issuance of revenue-sharing special license plates for supporters of Virginia's Move Over law bearing the legend MOVE OVER. The plates are being issued in memory of Lt. Bradford T. Clark.

[HB 2226/SB 1690](#) - **Designating the Trooper Mark Barrett Memorial Bridge.** Designates the bridge on Meadow Road over Interstate 64 at mile marker 202 in Henrico County the "Trooper Mark Barrett Memorial Bridge."

[SB 1789](#) - **Designating the Trooper Lucas B. Dowell Bridge.** Designates the bridge on Interstate 81 in Smyth County over Whitetop Road the "Trooper Lucas B. Dowell Bridge."

[HR 367](#) - **Celebrating the life of Police Officer Hunter Edwards.**

Mental Health

HB 1933 - **Medical and mental health treatment of prisoners incapable of giving consent.** Establishes a process for the sheriff or administrator in charge of a local or regional correctional facility to petition a court to authorize medical or mental health treatment for a prisoner in such facility who is incapable of giving informed consent for such treatment. The process parallels the existing process for the Director of the Department of Corrections to seek authorization to provide involuntary treatment to prisoners in state correctional facilities. The bill requires the court to authorize such treatment in a facility designated by the sheriff or administrator upon finding that the prisoner is incapable, either mentally or physically, of giving informed consent; that the prisoner does not have a relevant advanced directive, guardian, or other substitute decision maker; that the proposed treatment is in the best interests of the prisoner; and that the jail has sufficient medical and nursing resources available to safely administer the treatment and respond to any adverse side effects that might arise from the treatment. The bill provides that the treatment ordered may be provided within a local or regional correctional facility if such facility is licensed to provide such treatment. If statutory procedures are followed, the service provider does not have liability based on lack of consent or lack of capacity to consent unless there is injury or death resulting from gross negligence or willful and wanton misconduct.

HB 1942 – **Behavioral health services; exchange of medical and mental health information and records; correctional facilities.** Authorizes the State Board of Corrections (the Board) to establish minimum standards for behavioral health services in local correctional facilities, including (i) requirements for behavioral health screening and assessment for all individuals committed to local correctional facilities, the delivery of behavioral health services in local correctional facilities, and the sharing of medical and mental health information and records concerning individuals committed to local correctional facilities; (ii) requirements for discharge planning for individuals with serious mental illness assessed as requiring behavioral health services upon release from local correctional facilities; (iii) requirements for at least one unannounced annual inspection of each local correctional facility to determine compliance; and (iv) provisions for billing the sheriff in charge of a local correctional facility or superintendent of a regional correctional facility by a community services board that provides behavioral health services in the local or regional correctional facility. The bill also allows the person in charge of a state, regional, or local correctional facility, or his designee, to receive from a health care provider medical and mental health information and records concerning a person committed to such correctional facility, even when such committed person does not provide consent or consent is not readily obtainable, when such information and records are necessary (a) for the provision of health care to the person committed, (b) to protect the health and safety of the person committed or other residents or staff of the facility, or (c) to maintain the security and safety of the facility. The bill clarifies that the administrative personnel of a state, regional, or local correctional facility may receive medical and mental health information and records from any health care provider concerning any person committed to such correctional facility as necessary to maintain the safety of the facility, its employees, or other prisoners.

HB 2648 – **Crime victim rights; notice of release of defendant found unrestorably incompetent or acquitted by reason of insanity.** Provides that, upon the request of the victim of a crime, the Commissioner of Behavioral Health or his designee shall notify the victim of the release of a defendant who was found to be unrestorably incompetent or who was acquitted by reason of insanity and committed to inpatient hospitalization.

SB 1231 – **Unrestorably incompetent defendants; capital murder.** Provides that when a defendant charged with capital murder is determined to be unrestorably incompetent, the court may order that the

defendant receive continued treatment to restore competency provided that hearings be held at yearly intervals for five years and at biennial intervals thereafter, or at any time that the director of the treating facility or his designee submits a competency report to the court that the defendant's competency has been restored. Under current law, hearings are held every six months for an incompetent defendant receiving treatment to restore competency. The bill also provides that no unrestorably incompetent defendant charged with capital murder shall be released except pursuant to a court order.

[SB 1644](#) - Department of Behavioral Health and Developmental Services; plan for sharing inmate health information between community services boards and local and regional jails. Directs the Department of Behavioral Health and Developmental Services (DBHDS) to convene a work group to study the issue of and develop a plan for sharing protected health information of individuals with mental health treatment needs who have been confined to a local or regional jail in the Commonwealth and who have previously received mental health treatment from a community services board or behavioral health authority in the Commonwealth. The bill requires DBHDS to report by October 1, 2019, to the Governor and the General Assembly on (i) development of the plan, (ii) the content of the plan, and (iii) the steps necessary to implement the plan, including any statutory or regulatory changes and any necessary appropriations.

Miscellaneous

[HB 1927](#) - Special identification card; applicants who are blind or vision impaired. Requires the Department of Motor Vehicles to, upon request of the applicant, indicate on an applicant's special identification card that he is blind or vision impaired.

[HB 2396](#) - Breach of personal information notification; passport and military identification numbers. Requires an individual or entity that owns or licenses computerized data that includes the first name or first initial and last name in combination with or linked to a passport number or military identification number to disclose any breach of the security system following discovery or notification of the breach to the Office of the Attorney General and any affected resident of the Commonwealth without unreasonable delay.

[HB 2441](#) - Special identification card without a photograph; fee; confidentiality; penalties. Requires the Department of Motor Vehicles to issue a special identification card without a photograph to a person with a sincerely held religious belief prohibiting the taking of a photograph who would otherwise meet the qualifications for a special identification card but also presents an approved and signed IRS Form 4029. The bill allows a special identification card without a photograph to be similar in size, shape, and design to a driver's license but requires (i) that it be clearly distinguishable from a driver's license, (ii) that it not include a photograph of its holder, and (iii) that it clearly state that (a) the card does not authorize the holder to operate a motor vehicle, (b) federal limits apply, and (c) the card is not valid identification to vote. The bill provides that giving false information, concealing a material fact, or otherwise committing a fraud in applying for a special identification card without a photograph is guilty of a Class 2 misdemeanor and that obtaining a special identification card without a photograph for the purpose of committing any offense punishable as a felony constitutes a Class 4 felony. The bill contains technical amendments. This bill is the result of a study conducted by the Department of Motor Vehicles.

[HB 2546](#) - Maternal Death Review Team established. Establishes the Maternal Death Review Team (the Team) to develop and implement procedures to ensure that maternal deaths occurring in the

Commonwealth are analyzed in a systematic way. The bill requires the Team to (i) develop and revise as necessary operating procedures for maternal death reviews, including identification of cases to be reviewed and procedures for coordinating among the agencies and professionals involved; (ii) improve the identification of, and data collection and record keeping related to, causes of maternal deaths; (iii) recommend components of programs to increase awareness and prevention of, and education about, maternal deaths; and (iv) recommend training to improve the review of maternal deaths. The bill also requires the Team to compile triennial statistical data regarding maternal deaths and to make such data available to the Governor and the General Assembly. The bill provides that information and records obtained or created by the Team and portions of meetings of the Team at which individual maternal deaths are discussed shall be confidential.

[SB 1126](#) - Lottery Board; regulation of casino gaming; penalties. Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board (the Board). Casino gaming shall be limited to certain cities that meet the criteria that is outlined in the bill, and a referendum must be passed in the city on the question of allowing casino gaming in the city. The bill requires the Joint Legislative Audit and Review Commission (JLARC) to conduct a review of casino gaming laws in other states and report its findings to the Chairmen of the Senate Committee on General Laws and Technology and the House Committee on General Laws on or before December 1, 2019. The bill contains enactment clauses that prohibit (i) any referendum from being held prior to the publication of the JLARC findings and recommendations regarding casino gaming or after January 1, 2021, and (ii) the Board from issuing a license to operate a gaming operation before July 1, 2020. The bill also provides that amendments to the Code of Virginia that are made in the bill will not become effective unless reenacted by the 2020 Session of the General Assembly.

Motor Vehicles & Traffic Safety

[HB 1662/SB 1677](#) – Child restraint devices and safety belts; emergency and law-enforcement vehicles. Exempts the operators of emergency medical services agency vehicles, fire company vehicles, fire department vehicles, and law-enforcement agency vehicles during the performance of their official duties from (i) the requirement that certain minors be secured with a safety belt and (ii) the requirement that minors under the age of eight be secured in a child restraint device, provided that exigent circumstances exist and no child restraint device is readily available.

[HB 1664/SB 1181](#) – Restricted license for out-of-state drug convictions. Provides that a person convicted of a drug offense in another state may petition the general district court of the county or city in which he resides for a restricted driver's license allowing the petitioner to operate a motor vehicle in the Commonwealth on a restricted basis, provided that no such restricted license shall permit the petitioner to operate a commercial vehicle.

[HB 1677](#) - Driving distance for testing certain motor vehicles. Expands from five miles to 10 miles the distance (i) from the place of business that an individual is permitted to drive a vehicle equipped with a license plate designed for persons engaged in the business of delivering unladen motor vehicles to test the installation, service, or repair of equipment on or in such vehicle and (ii) from an auto auction that a prospective purchaser of a motor vehicle, trailer, or semitrailer may operate such vehicle without a safety inspection prior to purchase.

[HB 1678](#) - **Golf carts and utility vehicles; Town of Dendron.** Adds the Town of Dendron to the list of towns that may authorize the operation of golf carts and utility vehicles on designated public highways despite not having established their own police departments.

[HB 1711/SB 1382](#) – **Reorganization of motor vehicle registration, licensing, and certificates of title statutes; segregation of criminal offenses and traffic offenses.** Moves the criminal offenses related to registration, licensing, and certificates of title included within § 46.2-613 to § 46.2-612. The bill reorganizes these statutes so that § 46.2-612 contains only criminal offenses and § 46.2-613 contains only traffic infractions. The bill removes the authority of the court to dismiss a summons for a criminal offense related to the registration, licensing, and certificates of title when proof of compliance with the law is provided to the court on or before the court date. The bill otherwise retains the elements of and penalties for the offenses and infractions. This bill is a recommendation of the Committee on District Courts.

[HB 1712/SB 1383](#) – **Dismissal of summons for expiration of vehicle registration; proof of compliance.** Authorizes courts to dismiss a summons issued for expiration of vehicle registration if the defendant provides to the court proof of compliance with the law on or before the court date. This bill is a recommendation of the Committee on District Courts.

[HB 1742/SB 1108](#) - **Marsh Criminal-Traffic Division at Manchester General District Court and John Marshall Criminal-Traffic Division at Richmond General District Court; concurrent jurisdiction.** Clarifies that the Marsh Criminal-Traffic Division at Manchester General District Court has concurrent jurisdiction with the John Marshall Criminal-Traffic Division at the Richmond General District Court over all matters arising in the City of Richmond. As introduced, this bill was a recommendation of the Committee on District Courts.

[HB 1777/SB 1560](#) - **Local regulation of parking of certain vehicles.** Adds Cape Charles to the towns that are permitted to regulate or prohibit the parking on any public highway of watercraft, boat trailers, motor homes, and camping trailers and to regulate or prohibit the parking of commercial vehicles on any public highway in a residence district.

[HB 1786](#) - **Vehicles on sidewalks.** Clarifies that any public entity may allow "other power-driven mobility devices," as defined in the bill, to be ridden or driven on sidewalks in accordance with the Americans with Disabilities Act and other state and federal laws.

[HB 1802/SB 1254](#) - **Amber warning lights; vehicles hauling forest products.** Authorizes vehicles hauling forest products to use amber warning lights approved by the Superintendent of State Police, provided that the lights are mounted or installed so as to be visible from behind the vehicle.

[HB 1818/SB 1044](#) - **Parking ordinances; enforcement.** Authorizes any county or town with a population of at least 40,000 to provide by ordinance that law-enforcement officers, other uniformed employees of the locality, and uniformed personnel under contract with the locality may issue a summons or parking ticket for a violation of the locality's ordinances or regulations regarding the parking, stopping, or standing of vehicles. Current law creates such authority for any city with a population of at least 40,000.

[HB 1865/SB 1567](#) - **Localities; towing fees.** Provides that localities in Planning District 8 and Planning District 16 shall establish by ordinance a hookup and initial towing fee of no less than \$135 and no more than \$150. Current law authorizes such localities to set the hookup and initial towing fee at \$135.

HB 1911 – Move over law; duties of drivers of vehicles approaching stationary vehicles displaying certain warning lights; penalty. Makes a driver's failure to move into a nonadjacent lane on a highway with at least four lanes when approaching a stationary vehicle displaying flashing, blinking, or alternating blue, red, or amber lights, or, if changing lanes would be unreasonable or unsafe, to proceed with due caution and maintain a safe speed, reckless driving, which is punishable as a Class 1 misdemeanor. Under current law, a first such offense is a traffic infraction punishable by a fine of not more than \$250, and a second such offense is punishable as a Class 1 misdemeanor.

HB 2033 - Turns into or out of certain residential areas; resident permits. Allows counties that operate under the urban county executive form of government (Fairfax County) by ordinance to develop a program to issue permits or stickers to residents of a designated area that will allow such residents to make turns into or out of the designated area during certain times of day where such turns would otherwise be restricted.

HB 2143 – Air bag fraud; manufacture, importation, sale, etc., of counterfeit or nonfunctional air bag prohibited; penalty. Provides that a person is guilty of a Class 1 misdemeanor if he knowingly manufactures, imports, sells, installs, or reinstalls a counterfeit air bag or nonfunctional air bag, or any device that is intended to conceal a counterfeit air bag or nonfunctional air bag, in a motor vehicle. The bill provides an exemption for the sale, installation, reinstallation, or replacement of a motor vehicle air bag on a vehicle solely used for police work. The bill also provides that any sale, installation, reinstallation, or replacement of a motor vehicle air bag with a counterfeit, nonfunctional, or otherwise unlawful air bag shall not be construed as a superseding cause that limits the liability of any party in any civil action.

HB 2585 - Sheriffs; standard motor vehicle markings. Requires that all marked motor vehicles used by sheriffs' offices conspicuously display on each front side door of such vehicles the words "Sheriff's Office" or "Sheriff" and the name of the county or city. Current law requires such vehicles to be solid dark brown or some other solid color, with a reflectorized gold, five-point star on each front side door and requires that the lettering on such stars say "Sheriff's Office" or "Sheriff" in a half-circle above the Seal of the Commonwealth or the seal of the jurisdiction. Current law also requires that the name of the county or city be placed in a half-circle below the Seal and the words "Sheriff's Office" or "Sheriff" be placed on the rear of the trunk.

HB 2752 - Motorized skateboards or scooters; operation; local authority. Authorizes localities to regulate the operation of companies providing motorized skateboards or scooters for hire. The bill changes the definition of motorized skateboard or scooter by (i) removing the requirement that such device have no seat and requiring that the device be designed to allow a person to stand or sit, (ii) removing the maximum power limits for such device and providing that the device may be powered in whole or in part by an electric motor, (iii) providing that the device has a speed of no more than 20 miles per hour, and (iv) providing that such device weighs less than 100 pounds. The bill makes consistent the operational requirements for motorized skateboards or scooters and similar devices, including (a) allowing motorized skateboards and scooters to be driven on sidewalks, (b) requiring motorized skateboards and scooters driven on a roadway to be driven as close to the right curb as is safely practicable, (c) prohibiting the operation of motorized skateboards or scooters on any Interstate Highway System component, and (d) requiring operators of motorized skateboards and scooters to give hand signals and have lights on such devices. The bill prohibits operating a motorized skateboard or scooter at a speed faster than 20 miles per hour. Certain provisions of this bill have a delayed effective date of January 1, 2020.

[HB 2805](#) – Parking; access aisles adjacent to parking spaces reserved for persons with disabilities. Prohibits parking any vehicle in any striped access aisle adjacent to a parking space reserved for persons with disabilities.

[SB 1073](#) - Removing motor vehicles from roadway. Requires the driver of a motor vehicle involved in an accident on a high occupancy toll (HOT) lane that is under construction on Interstate 66 to move such motor vehicle to the nearest pull-off area if the driver can safely do so, the vehicle is movable, and there are no injuries or deaths resulting from the accident. The bill provides that such requirement will expire upon the certification by the Secretary of Transportation that the HOT lane construction on Interstate 66 is complete.

[SB 1174](#) - Tinting films; exemption for security canine handlers. Exempts vehicles operated in the performance of private security duties by a licensed security canine handler from limitations on window tinting. The bill contains technical amendments.

[SB 1432](#) - Immobilization of vehicles. Allows the owner or operator of a parking lot or other building to immobilize a trespassing vehicle by use of any device in a manner that prevents its removal or lawful operation, provided that the device used does not damage the vehicle. Current law limits immobilization devices to those, such as a boot, that prevent a vehicle from being moved by preventing a wheel from turning. The bill clarifies that the currently authorized use of a device by a locality to immobilize a vehicle against which there are outstanding parking violations in a manner that prevents its operation means in a manner that prevents its lawful operation.

[SB 1510](#) - Police-requested towing; local regulation. Provides that only towing requests made by local law-enforcement officers are subject to local ordinances regulating towing services for unattended, abandoned, or immobile vehicles.

[SB 1768](#) – Use of handheld personal communications devices; highway work zones; penalty. Prohibits any person from holding a handheld personal communications device in his hand while driving a motor vehicle in a highway work zone, with certain exceptions. The bill provides that a violation is punishable by a mandatory fine of \$250. Current law prohibits only the reading of an email or text message on the device and manually entering letters or text in the device as a means of communicating, with the same exceptions.

Pawn Brokers

[HB 1773](#) - Definition of pawnbrokers. Amends the definition of "pawnbroker" to only include natural persons. Under current law, a person, defined to include corporations, partnerships, associations, cooperatives, limited liability companies, trusts, joint ventures, governments, political subdivisions, or any other legal or commercial entities and any successor, representative, agent, agency, or instrumentality thereof, may become a licensed pawnbroker. The bill provides that counties, cities, or towns may choose to extend the license of a pawnbroker who is not a natural person for a period of up to one year.

[HB 1774](#) Pawning goods; unexpired government-issued identification card required. Requires the government-issued identification card presented by a person pawning, pledging, or selling goods or selling precious metals or gems to be unexpired and to bear the person's current legal address. If the government-issued identification card does not bear the current legal address, the bill requires the pawner or seller to present other documentation to verify his current legal address.

Post-Trial Provisions

[HB 1833](#) - **Investigations and reports by probation officers; persons eligible for parole.** Allows a presentence report to be made available for review without a court order to incarcerated persons who are eligible for release by the Virginia Parole Board, or to such person's counsel.

[HB 1909/SB 1069](#) - **Habeas corpus.** Reorganizes, updates outdated language, and removes unused provisions in several writ of habeas corpus statutes. The bill clarifies certain procedural issues such as service, venue, amendments for failure to name a proper party respondent, necessity of a response, and transfer for evidentiary hearings. This bill is a recommendation of the Judicial Council.

[HB 2278](#) – **Expungement of police and court records; absolute pardon.** Provides for the automatic expungement of the police and court records relating to a person's conviction if he has been granted an absolute pardon for a crime that he did not commit. Under current law, the person granted the absolute pardon must petition the court for an order of expungement. The bill requires the Secretary of the Commonwealth to forward a copy of any absolute pardon to the circuit court where the person was convicted of the crime for which the absolute pardon was granted.

[HB 2665/SB 1655](#) - **Specialty dockets; report.** Requires the Office of the Executive Secretary of the Supreme Court to develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local specialty dockets established in accordance with the Rules of Supreme Court of Virginia and submit a report of these evaluations to the General Assembly by December 1 of each year.

[HB 2773](#) – **Criminal Injuries Compensation Fund; amount of award.** Removes the current \$600 limit placed on the amount that may be awarded to a crime victim for total loss of earnings resulting from incapacity. The bill also increases from \$5,000 to \$10,000 the maximum amount a claimant may be awarded from the Criminal Injuries Compensation Fund (AKA Virginia Victims Fund) for expenses directly related to funeral or burial costs and increases from \$25,000 to \$35,000 the maximum aggregate award received by a claimant as a result of an injury or death.

Schools

[HB 1656](#) - **School security officers; employment by private or religious schools; carrying a firearm in performance of duties.** Allows private or religious schools to employ a school security officer and to authorize a school security officer to carry a firearm in the performance of his duties, subject to the same criteria for carrying a firearm in the performance of his duties imposed on a school security officer employed by the local school board. The bill also updates the definition of school security officer in the assault and battery statute.

[HB 1725](#) - **Public school building security enhancements; compliance with Uniform Statewide Building Code and Statewide Fire Prevention Code.** Requires each school board, in consultation with the local building official and the state or local fire marshal, to develop a procurement plan to ensure that all security enhancements to public school buildings are in compliance with the Uniform Statewide Building Code and Statewide Fire Prevention Code.



[HB 1732/SB 1215](#) - **School safety procedures; emergency situations; annual training.** Requires each school board to develop training on safety procedures in the event of an emergency situation on school property. The bill requires such training to be delivered to each student and employee in each school at least once each school year.

[HB 1733/SB 1214](#) - **School boards; local law-enforcement agencies; memorandums of understanding.** Requires (i) the Virginia Center for School and Campus Safety to develop a model memorandum of understanding and (ii) the school board in each school division in which the local law-enforcement agency employs school resource officers to enter into a memorandum of understanding with such local law-enforcement agency that is based on such model and sets forth the powers and duties of the school resource officers. The bill requires each such school board and local law-enforcement agency to review and amend or affirm the memorandum at least once every five years or at any time upon the request of either party.

[HB 1734/SB 1213](#) - **Virginia Center for School and Campus Safety; threat assessment; case management tool.** Requires the Virginia Center for School and Campus Safety to develop a case management tool for use by public elementary and secondary school threat assessment teams and requires such threat assessment teams to use such tool to collect and report to the Center quantitative data on its activities.

[HB 1737/SB 1220](#) - **Development and review of school crisis, emergency management, and medical emergency response plans; include certain first responders.** Requires each school board to include the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the relevant regional emergency medical services council, and the emergency management official of the locality, or their designees, in the development and review of school crisis, emergency management, and medical emergency response plans. Under current law, the school board is required to provide copies of such plans to the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, and the emergency management official of the locality but is not required to include such first responders in the development and review of such plans.

[HB 1738](#) - **School buildings; plans to be reviewed by an individual or entity experienced in crime prevention through environmental design.** Requires the plans and specifications for new or remodeled public school building construction to be reviewed by an individual or entity with professional expertise in crime prevention through environmental design. All comments by such reviewer shall be submitted to the Superintendent of Public Instruction along with the final plans and specifications.

[HB 1997](#) - **Public elementary and secondary school students; protective orders; notification.** Requires any school principal who receives notice that a circuit court, general district court, juvenile and domestic relations court, or magistrate has issued a protective order for the protection of a child who is enrolled at a public elementary or secondary school where such principal is employed, or any other order prohibiting contact with such a child, including an order issued as a condition of pretrial or posttrial supervision, to subsequently notify certain school personnel that such order has been issued. The bill also requires the Board of Education to establish guidelines and develop model policies to aid school boards in the implementation of such notification.

[HB 2384/SB 1295](#) - **Public schools; tobacco products and nicotine vapor products.** Requires each school board to (i) develop and implement a policy to prohibit the use and distribution of tobacco products and nicotine vapor products on a school bus, on school property, or at an on-site or off-site school-sponsored activity and (ii) include in its code of student conduct a prohibition against possessing tobacco

products or nicotine vapor products on a school bus, on school property, or at an on-site or off-site school-sponsored activity. Current law only places these requirements on each school board with regard to electronic cigarettes. The bill requires such policy to include adequate provisions for enforcement among students, employees, and visitors, including the enumeration of possible sanctions or disciplinary action consistent with state or federal law, and referrals to resources to help staff and students overcome tobacco addiction.

HB 2599 - Use of seclusion and restraint in public schools. Requires the Board of Education, in its regulations regarding the use of seclusion and restraint in public schools, to specifically identify and prohibit the use of any method of restraint or seclusion that it determines poses a significant danger to the student and establish safety standards for seclusion.

HB 2609/SB 1130 - Department of Criminal Justice Services; school resource officers; school administrators; training. Requires the Department of Criminal Justice Services (Department) to establish and every full-time or part-time law-enforcement officer employed as a school resource officer after July 1, 2020, to comply with compulsory minimum training standards for law-enforcement officers serving as school resource officers. The bill requires the training provided by the Department pursuant to such standards to be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and to be available throughout the Commonwealth. The bill requires each school board to ensure that every public school it supervises employs at least one school administrator who has completed, either in-person or online, school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety, unless such training is not available online.

HB 2720 - Public School Security Equipment Grant Act of 2013; eligible security equipment. Specifies that, for the purpose of eligibility for grants for security equipment through the Public School Security Equipment Grant Act of 2013, security equipment includes building modifications and fixtures, such as security vestibules.

HB 2721 - Employment of school security officers; law-enforcement officers previously employed by the United States or any state or political subdivision thereof; carrying a firearm in performance of duties. Allows a school security officer to carry a firearm in the performance of his duties if, within 10 years immediately prior to being hired by the local school board, he was employed by a law-enforcement agency of the United States or any state or political subdivision thereof and his duties were substantially similar to those of a law-enforcement officer in the Commonwealth. Under current law, only a school security officer who was an active law-enforcement officer in the Commonwealth within 10 years immediately prior to being hired by the local school board may qualify to carry a firearm in the performance of his duties. The bill also provides that the Department of Criminal Justice Services' duty to establish minimum training standards and other requirements for school security officers includes establishing minimum training standards and requirements for school security officers previously employed by a law-enforcement agency of the United States or any state or political subdivision thereof.

SB 1591 - Virginia Center for School and Campus Safety; guidelines on information sharing. Directs the Virginia Center for School and Campus Safety (the Center) to convene a work group to develop guidelines and best practices for the sharing of information between a local school board or public institution of higher education and law enforcement regarding a student whose behavior may pose a threat to the safety of a school or institution or the community. Such guidelines and best practices shall seek to balance the interests of safety and student privacy and shall be consistent with the provisions of the federal Family Educational Rights and Privacy Act and Health Insurance Portability and Accountability

Act, as applicable. The bill requires the Center to develop such guidelines and best practices, report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health, and make such guidelines available to local school boards, public institutions of higher education, law enforcement, and the public by October 1, 2019.

[SB 1755](#) - **Board of Housing and Community Development; Uniform Statewide Building Code; Statewide Fire Prevention Code; safety and security measures for schools; active shooter or hostile threats.** Directs the Department of Housing and Community Development to convene stakeholders representing entities that enforce the Uniform Statewide Building Code and the Statewide Fire Prevention Code and other law-enforcement organizations to develop proposals for changes to each such code for submission to the Board of Housing and Community Development. Such proposals shall have the goal of assisting in the provision of safety and security measures for the Commonwealth's public or private elementary and secondary schools and public or private institutions of higher education for active shooter or hostile threats. The review conducted by the stakeholders shall include the examination of (i) locking devices, (ii) barricade devices, and (iii) other safety measures that may be utilized in an active shooter or hostile threat situation that occurs in any classroom or other area where students are located for a finite period of time.

Sex Offenders

[HB 1940/SB 1379](#) – **Child Pornography Registry; contents of Registry; criminal investigations; report.** Requires copies of all known or suspected child pornography found during the course of a criminal investigation of child pornography offenses to be included in the Child Pornography Registry (the Registry). Current law provides that only such images that are presented as evidence and used in a conviction for child pornography offenses are required to be included in the Registry. The bill also provides that Registry information may be used for victim identification. The bill requires the Department of State Police, in consultation with the Office of the Attorney General, to submit a report detailing the implementation plan for changes to the Registry pursuant to the bill to the Secretary of Public Safety and Homeland Security and the Chairmen of the House Committee on Appropriations and Senate Committee on Finance by January 1, 2020.

[HB 2089/SB 1418](#) – **Sex Offender Registry; reregistration schedule.** Changes the dates for required reregistration of persons on the Sex Offender and Crimes Against Minors Registry (the Registry) from a repeating specified number of days after initial registration to time periods corresponding to such person's birth month and the first letter of such person's last name. The time intervals for reregistration for each of the following four categories of reregistration do not materially change. The bill provides that (i) a person required to register, other than those persons convicted of a sexually violent offense or murder, shall reregister once each year during such person's birth month; current law is once each year from the date of initial registration; (ii) a person convicted of a sexually violent offense or murder shall reregister every three months, beginning in such person's birth month; current law is every 90 days from the date of initial registration; (iii) a person convicted of providing false information or failing to provide registration information, but not convicted of a sexually violent offense or murder, shall reregister every six months beginning with such person's birth month; current law is every 180 days from the date of such conviction; and (iv) a person convicted of providing false information or failing to provide registration information, when such person was included in the Registry for a sexually violent offense or murder, shall reregister every month; current law is every 30 days from the date of such conviction. The bill requires persons with a last name beginning with A through L to register from the first to the fifteenth of each required reporting month and persons with last names M through Z to register from the sixteenth to the last day of the month

of each required reporting month. The bill also requires that for the period of July 1, 2020, to July 1, 2021, any person required to reregister shall continue to reregister with the State Police on such person's reregistration schedule in place prior to July 1, 2020, until such person has reregistered pursuant to the new reregistration schedule, at which time such person shall continue reregistering with the new schedule. **The bill has a delayed effective date of July 1, 2020.**

HB 2300 – **Prohibition on driving taxicabs; sex offenders.** Prohibits any person who is required to register on the Sex Offender and Crimes Against Minors Registry or the federal National Sex Offender Public Website from operating a taxicab for the transportation of passengers for hire.

Sexual Assault

HB 1820 - **Nondisclosure or confidentiality agreement; sexual assault; condition of employment.** Prohibits an employer from requiring an employee or a prospective employee to execute or renew any provision in a nondisclosure or confidentiality agreement that has the purpose or effect of concealing the details relating to a claim of sexual assault as a condition of employment.

HB 2080 – **PERK Tracking System.** Provides that the Department of Forensic Science (Department) shall maintain a statewide electronic tracking system for physical evidence recovery kits where such kits will be assigned a unique identification number to track each kit from its distribution as an uncollected kit to the health care provider through to its destruction. The bill provides that the Department shall provide access to the tracking system to health care providers, law-enforcement agencies, the Division of Consolidated Laboratory Services, and the Office of the Chief Medical Examiner. The bill also provides that a health care provider shall inform the victim of sexual assault of the unique identification number assigned to the physical evidence recovery kit utilized by the health care provider during the forensic medical examination and provide the victim with information regarding the physical evidence recovery kit tracking system. The bill provides that records entered into the physical evidence recovery kit tracking system are confidential and are not subject to disclosure under the Freedom of Information Act. **The bill has a delayed effective date of July 1, 2020.**

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