

2018

Virginia Department of Juvenile Justice



2018 GENERAL ASSEMBLY

LEGISLATIVE UPDATE

JULY 1, 2018

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CRIME & PUNISHMENT

[HB 83](#) (Kory): Feminine Hygiene Products; No Cost to Female Prisoners or Inmates.

- **Existing Law:** Not applicable.
- **Impact of Legislation:** Directs the Board of Corrections to adopt and implement a standard, and the Director of the Department of Corrections to develop and implement a policy and procedure, to ensure the provision of feminine hygiene products to female prisoners without charge.
- **Note:** This is a §1 bill.

[HB 188](#) (Collins) / [SB 35](#) (Stanley): Sentence Reduction; Substantial Assistance to Prosecution.

- **Existing Law:** Not applicable.
- **Impact of Legislation:** Adds a new statute, [§ 19.2-303.01](#), which allows the sentencing court, upon motion by the Commonwealth, to reduce the defendant's sentence if the defendant, after entry of the final judgment order, provided substantial assistance in investigating or prosecuting another person for an act of violence, as defined in [§ 19.2-297.1](#), or as defined in [§ 18.2-248](#), manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance prohibited penalties.

[HB 202](#) (Mullin): Court Fines and Costs; Community Service.

- **Existing Law:** Section [19.2-354](#) provides that the court shall establish a program and may provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service before or after imprisonment.
- **Impact of Legislation:** Requires the court assessing the fine or costs against a person to inform the person of the availability of earning credit toward the discharge of the fine or costs through the performance of community service under this program and provide such person with written notice of the terms and conditions of this program.

HB 274 (Ward): Informal Truancy Plans; Students Proceeded Against or Adjudicated on More Than 2 Occasions.

- **Existing Law:** [Section 16.1-260](#) allows an intake officer to defer the filing of a complaint for truancy, and instead, proceed informally against a student alleged to be truant only if the student has not previously been proceeded against informally or adjudicated in need of supervision for failure to comply with compulsory school attendance.
 - The opportunity for diversion of a truancy offense was, and still is, more restrictive than some misdemeanor offenses (ex., no limit on the number of diversions allowed for possession of marijuana).
 - The restriction to one diversion opportunity for truancy over the course of a student's entire k-12 education failed to account for the unique circumstances encountered by students, at home and at school, at different stages of their education.
 - Elementary School – truancy likely due to parental issues.
 - Middle and High School – truancy may be due to bullying at school or other issues at home.
- **Impact of Legislation:** Allows for up to three diversions for truancy so long as the previous diversion occurred at least three calendar years prior to the instant complaint.

HB 301 (Watts): Correctional Facilities, State, Local, or Regional; Disclosure of Health Records.

- **Existing Law:** [Section 32.1-127.1:03](#) governs the privacy of health records.
- **Impact of Legislation:** Provides that this section does not apply to the release of health records to a state correctional facility pursuant to [§ 53.1-40.10](#) or a local or regional correctional facility pursuant to [§ 53.1-133.03](#). Those sections are, in turn, amended to provide that the person in charge of any such correctional facility or his designee is entitled to obtain medical records of such person from a health care provider. This only applies to adults or those convicted as adults.
- **Note:** Applies to adult facilities.

[HB 483](#) (Bell, R.B.) / [SB 562](#) (Obenshain): Criminal Injuries Compensation Fund; Restitution Owed to Victims.

- **Existing Law:** Section [19.2-305.1](#) provides for the order and payment of restitution and requires that payments be made to the clerk who, in turn, shall disburse the funds. If the victim cannot be located, the statute requires that the clerk deposit the funds into the Criminal Injury Compensation Fund.

- **Impact of Legislation:**
 - Amends [§ 19.2-305.1](#) to require the clerk, when depositing funds into the Criminal Injuries Compensation Fund for a victim who cannot be located or identified, to report the victim's last known contact information, including the victim's home address, telephone number, email address, and the amount of restitution being deposited for that victim. The clerk shall deposit any such restitution collected into the Fund for the benefit of crime victims by November 1st of each year. If the clerk does not have any restitution to deposit, the clerk shall provide a written statement to that effect. The clerk must also record receipt of restitution payments in an automated financial management system operated and maintained by the Executive Secretary of the Supreme Court or such other system established and maintained by a circuit court clerk.

 - Amends [§ 19.2-349](#) to require the Executive Secretary of the Supreme Court to annually report to the Governor, the General Assembly, the Chairmen of the House and Senate Committees for Courts of Justice, and the Virginia State Crime Commission on the total restitution assessed, collected, and unpaid for each circuit and district court and the total restitution collected and deposited into the Criminal Injuries Compensation Fund by each circuit and district court.

 - Amends [§ 19.2-368.3](#), pertaining to the powers and duties of the Workers' Compensation Commission, to require that the Commission, in its role as administrator of the Criminal Injuries Compensation Fund, shall:
 - Collect and disburse unclaimed restitution and develop, in consultation with the circuit court clerks and the Office of the Executive Secretary of the Supreme Court of Virginia, policies and procedures for the receipt, collection, and disbursement of unclaimed restitution to victims of crime,

 - Identify and locate victims of crime for whom restitution owed to such victims has been deposited into the Fund, and

- Include in its written annual report to the Governor and the General Assembly, a detailed section on all unclaimed restitution collected and disbursed to the victim from the Fund.
- Amends [§ 19.2-368.3](#) to require that the Workers' Compensation Commission may acquire such information as will enable the Commission to identify and locate victims from the attorneys for the Commonwealth, State Police, local police departments, and sheriffs' departments.

[HB 484](#) (Bell, R.B.) / [SB 994](#) (Obenshain): Restitution; Probation.

- **Existing Law:** Section [19.2-305.1](#) provides for the payment of restitution for the commission of certain crimes and [§ 19.2-358](#) sets forth the procedures to be followed upon default of restitution payments.
- **Impact of Legislation:**
 - Requires probation officers to monitor the collection and payment of restitution to victims of crime for offenders placed on supervised probation.
 - Requires probation officers to notify the court of any amount of restitution that remains unsatisfied 60 days prior to the defendant's release from supervision.
 - A hearing shall be held prior to the defendant's release from supervision for any unsatisfied amount.
 - If the defendant is not placed on supervised probation, the restitution order shall include a review date not to exceed two years from the date of the order or from release from incarceration.
 - If the court finds the defendant is not in compliance with the restitution order, it may release the defendant from supervision, modify the period or terms of supervision, revoke some or all of the suspended sentence or probation, or proceed pursuant to [§ 19.2-358](#) (procedure on default in payment of restitution) . The court shall then continue to schedule hearings to review compliance until the amount of restitution has been satisfied. If at any such hearing the court finds the defendant is not in compliance, the court may modify the period or terms of probation, revoke some or all of the suspended sentence or probation, or proceed pursuant to [§ 19.2-358](#) (procedure on default in payment of restitution) . The court shall continue to review compliance for any unsatisfied amount for the longer of 10 years or the probationary period.

[HB 638](#) (Collins) / [SB 526](#) (Obenshain): Trespass; Use of an Unmanned Aircraft System, Penalty.

- **Existing Law:** Not applicable.
- **Impact of Legislation:** Creates two new statutes, [§§ 18.2-121.3](#) and [18.2-324.2](#), which:
 - Make it a Class 1 misdemeanor to knowingly and intentionally cause an unmanned aircraft system to enter the property of another and come within 50 feet of a dwelling house i) to coerce, intimidate, or harass another person or ii) after having been given actual notice to desist, for any other reason. This does not apply if i) consent is given by a person with legal authority to consent or by any person who is lawfully present on such property, or ii) such person is authorized by federal regulations to operate an unmanned aircraft system and is operating such system in an otherwise lawful manner and consistent with federal regulations.
 - Make it a Class 1 misdemeanor for any person who is required to register on the Sex Offender and Crimes Against Minors Registry pursuant to [§ 9.1-901](#) to use or operate an unmanned aircraft system to knowingly and intentionally i) follow or contact another person without permission of such person or ii) capture the images of another person without permission of such person when such images render the person recognizable by his face, likeness, or other distinguishing characteristic.
 - Make it a Class 1 misdemeanor for a respondent to a protective order to knowingly and intentionally use or operate an unmanned aircraft system to follow, contact, or capture images of the petitioner of the protective order or any other person named in the protective order.

[HB 1266](#) (Toscano) / [SB 566](#) (Obenshain): Arrests; Law Enforcement Agency to Report.

- **Existing Law:** [Section 19.2-390](#) excludes trespass after being forbidden to do so; penalties in violation of [§ 18.2-119](#) and disorderly conduct in public places in violation of [§ 18.2-415](#) from the requirement that law enforcement agencies report arrests to the Central Criminal Records Exchange for most misdemeanors punishable by confinement in jail. Such reports must be accompanied by fingerprints and a photograph of the individual.
- **Impact of Legislation:** Eliminates the existing exclusions so that arrests for trespass and disorderly conduct must now be reported to the Central Criminal Records Exchange.

[HB 1525](#) (Yancey): Handheld Personal Communications Devices; Prohibits Use in Highway Work Zones.

- **Existing Law:** Section [46.2-1078.1](#) makes it unlawful to operate a moving vehicle while using a handheld personal communications device to:
 - Manually enter multiple letters or text in the device as a means of communicating with another person, or
 - Read any email or text message transmitted to the device or stored within the device.

A violation is a traffic infraction punishable, for a first offense, by a fine of \$125 and, for a second or subsequent offense, by a fine of \$250.

- **Impact of Legislation:** Amends [§ 46.2-1078.1](#) to provide that if the violation occurs in a highway work zone, the punishment shall be a mandatory fine of \$250. “Highway work zone” is defined as a construction or maintenance area that is located on or beside a highway and marked by appropriate warning signs with attached flashing lights or other traffic control devices indicating that work is in progress.

[HB 1550](#) (Adams) / [SB 105](#) (Suetterlein): Grand Larceny; Increases Threshold Amount.

- **Existing Law:** [Section 18.2-95](#) sets the threshold amount for determining when petit larceny rises to grand larceny at \$200. This was established in 1980 and was the lowest in the Nation. The same threshold amount applied to other applicable property and fraud offenses.
- **Impact of Legislation:** Increases the threshold from \$200 to \$500 for larceny and other property and fraud offenses.

[SB 36](#) (Stanley): Weekend Jail Time; Replaces Provision Limiting Nonconsecutive Days.

- **Existing Law:** [Section 53.1-131.1](#) provides that, with regard to a person convicted and sentenced to confinement in jail for a misdemeanor, a traffic offense, or any offense under [Chapter 5 of Title 20](#) (desertion and nonsupport), the court may impose the time to be served on weekends and nonconsecutive days to permit the convicted defendant to retain gainful employment.
- **Impact of Legislation:** Amends [§ 53.1-131.1](#) to allow for the sentence of confinement in jail to be served on weekends and nonconsecutive days for a felony that is not an

act of violence as defined in [§ 19.2-297.1](#), in addition to misdemeanors, traffic offenses, and offenses under [Chapter 5 of Title 20](#), so long as it is for good cause and the active portion of the sentence remaining to be served is 45 days or less. The court shall not, however, impose weekends or nonconsecutive days for a person convicted of a felony if the Commonwealth objects. Applies to adult facilities.

[SB 47](#) (Black): Female Genital Mutilation; Increases Penalty to Class 2 Felony.

- **Existing Law:** [Section 18.2-51.7](#) makes it a Class 1 misdemeanor for:
 - A person to knowingly circumcise, excise, or infibulate, in whole or in part, the labia majora or labia minora or clitoris of another person who has not attained the age of 18,
 - A parent, guardian or other person responsible for the care of a minor to consent to the circumcision, excision, or infibulation, in whole or in part, the labia majora or labia minora or clitoris of such minor, and
 - A parent, guardian or other person responsible for the care of a minor to knowingly remove or cause or permit the removal of such minor from the Commonwealth for the purposes of committing such an offense.
- **Impact of Legislation:** Amends [§ 18.2-51.7](#) to raise the offense from a Class 1 misdemeanor to a Class 2 felony.

[SB 57](#) (DeSteph): Obstructing Justice and Resisting Arrest; Fleeing From a Law-Enforcement Officer, Penalty.

- **Existing Law:** [Section 18.2-479.1](#), pertaining to fleeing from a law-enforcement officer, provides that it is a Class 1 misdemeanor for a person to intentionally prevent or attempt to prevent a law-enforcement officer from lawfully arresting him. “Intentionally preventing or attempting to prevent” a lawful arrest means fleeing from a law-enforcement officer when i) the officer applies physical force to the person, ii) the officer communicates to the person that he is under arrest and a) the officer has the legal authority and the immediate physical ability to place the person under arrest, and b) a reasonable person who receives such communication knows or should know that he is not free to leave.
- **Impact of Legislation:** The amendment simply relocates the existing provision by repealing [§ 18.2-479.1](#) and placing it within the existing [§ 18.2-460](#).

[SB 846](#) (Norment): Restitution; Penalties Other Than Fines, Limitations on Actions.

- **Existing Law:** Section [19.2-305.2](#) provides that an order of restitution may be docketed pursuant to [§ 8.01-466](#) when ordered by the court or upon written request of the victim and may be enforced by a victim named in the order to receive the restitution in the same manner as a judgement in a civil action. [Section 19.2-341](#) provides that a proceeding for the recovery of penalties or costs due to the Commonwealth must occur within 20 years from the date of the offense or delinquency giving rise to such penalty if imposed by a circuit court or within 10 years if imposed by a general district court.
- **Impact of Legislation:** Amends [§ 19.2-305.2](#) to provide that enforcement by a victim of any order of restitution that is docketed is not subject to any statute of limitations. Amends [§ 19.2-341](#) to provide that a proceeding for the recovery of penalties or costs due to the Commonwealth must occur within 60 (instead of 20) years from the date of the offense or delinquency giving rise to such penalty if imposed by a circuit court or within 30 (instead of 10) years if imposed by a general district court.

CRIMINAL / CIVIL PROCEDURE

[HB 77](#) (Habeeb): Venue in Criminal Cases; Concurrent Jurisdiction, Obsolete Provisions.

- **Existing Law:** [Section 19.2-244](#), pertaining to venue, generally provides that the prosecution of a criminal case shall be had in the county or city in which the offense was committed.
- **Impact of Legislation:** Requires that the courts of a locality shall have concurrent jurisdiction with the courts of any other locality adjoining such locality over criminal offenses committed in or upon the premises, buildings, rooms, or offices owned or occupied by such locality or any officer, agency, or department thereof that are located in the adjoining locality.

[HB 235](#) (Collins) / [SB 180](#) (Stanley): Acceptability of Electronic Medium; Record of Criminal Proceedings to Appellate Court.

- **Existing Law:** [Section 17.1-258.6](#) provides that, in civil proceedings in circuit court, any statutory requirement for an original, original paper, paper, record, document, facsimile, memorandum, exhibit, certification, or transcript shall be satisfied if such is in an electronic form approved for filing under the Rules of the Supreme Court of Virginia. Further, any statutory authorization for the use of copies or reproductions in civil proceedings in circuit court shall be satisfied by the use of such copies or reproductions in hard copy or in electronic form approved for filing under the Rules of the Supreme Court of Virginia.
- **Impact of Legislation:** Amends [§ 17.1-258.6](#) to allow for the use of electronic form in criminal proceedings in circuit court as well.

[HB 326](#) (Campbell): Child Abuse and Neglect; Venue May Lie Where Alleged Abuse or Neglect Occurred.

- **Existing Law:** [Section 16.1-243](#), which provides for where venue shall lie in matters involving children, provides a catch-all provision for “all other proceedings,” stating that they be commenced in the city or county where the child resides or in the city or county where the child is present when the proceedings are commenced.
- **Impact of Legislation:** Creates a new provision applicable to “abuse and neglect,” stating that such cases be commenced (i) in the city or county where the child resides, (ii) in the city or county where the child is present when the proceedings are commenced, or (iii) *in the city or county where the alleged abuse or neglect occurred*. The existing law, in which abuse and neglect cases fell under the catch-all provision, did not include where the alleged abuse or neglect occurred.

[HB 378](#) (Habeeb) / [SB 524](#) (Obenshain): Electronic Case Papers; Transmission Between District and Circuit Courts.

- **Existing Law:** [Section 16.1-112](#), which pertains to appeals of civil cases from general district court, provides that, upon the agreement between the chief judge of the general district court and the clerk of the appellate court, the case papers shall be transmitted to the appellate court by an electronic method approved by the Executive Secretary of the Supreme Court. The electronic case papers shall constitute the official record of the case and shall fulfill any statutory requirement requiring original papers and transcripts if such electronic case papers are in an electronic form approved by the Executive Secretary of the Supreme Court.
- **Impact of Legislation:** Strikes this language from [§ 16.1-112](#), which pertains only to appeals of civil cases from general district court, and moves it to [§ 16.1-69.54](#), which is applicable to all district courts, so that the ability to transmit electronic case papers for appeals extends to juvenile and domestic relations district courts as well.

[HB 482](#) (Bell, R.B.) / [SB 420](#) (McDougle): Witness Testimony; Accompanied by Certified Facility Dogs:

- **Existing Law:** Not applicable.
- **Impact of Legislation:** Creates a new statute, [§ 18.2-67.9:1](#), which permits the Commonwealth's Attorney or the defendant to apply for an order from the court allowing a "certified facility dog" to be present with a witness testifying before the court in any criminal proceeding. The court may enter an order allowing a certified facility dog to accompany a witness while testifying if the court finds, by a preponderance of the evidence, that i) the dog qualifies as a "certified facility dog," ii) the use of the dog will aid the witness in providing testimony, and iii) the presence and use of the dog will not interfere with or distract from the testimony or proceedings. The statute defines a "certified facility dog" and provides that the court may make such orders as necessary to preserve the fairness of the proceeding, including imposing restrictions on and instructing the jury regarding the presence of the certified facility dog during the proceedings.

[HB 840](#) (Bell, R.B.) / [SB 457](#) (Howell): Victim Telephone Numbers and Email Addresses; Confidentiality of Information in Criminal Cases.

- **Existing Law:** Section [19.2-11.2](#) provides that, upon the request of a witness in a criminal prosecution involving gang offenses, drugs, or any violent felony, or upon the request of any crime victim, neither a law-enforcement agency, the Commonwealth's Attorney, the defense attorney, a court, nor the Department of Corrections, or any employee of any of them, may enclose the residential address, telephone number or

place of employment of the witness or victim or a member of their family, except to the extent that disclosure is i) of the site of the crime, ii) required by law or Rules of the Supreme Court, iii) necessary for law enforcement purposes or preparation for court proceedings, or iv) permitted by the court for good cause. [Section 19.2-269.2](#) provides that, during any criminal proceeding and upon motion of the defendant or the Commonwealth's Attorney, a judge may prohibit testimony as to the current residential or business address, telephone number of a victim or witness if the judge determines that this information is not material under the circumstances of the case. [Section 19.2-11.01](#) requires that victims and witnesses be informed that their addresses and telephone numbers may not be disclosed pursuant to [§§ 19.2-11.2](#) and [19.2-269.2](#), except when necessary for the conduct of the criminal proceeding.

- **Impact of Legislation:** Amends [§§ 19.2-11.2](#) and [19.2-269.2](#) to include email addresses among the information that may not be disclosed and to emphasize that the non-disclosure of telephone numbers includes *any* telephone numbers.

HB 976 (Guzman): Felony Conviction; Compensation for Wrongful Incarceration.

- **Existing Law:** [Section 8.01-195.11](#) provides that any person convicted of a felony and wrongfully incarcerated for such felony may be awarded compensation in an amount equal to 90% of the inflation adjusted Virginia per capita personal income as reported by the Bureau of Economic Analysis of the U.S. Department of Commerce for each year of incarceration. The statute further provides that any such person shall receive a transition assistance grant of \$15,000 to be paid from the Criminal Fund. Additionally, such person shall be entitled to receive reimbursement up to \$10,000 for tuition for career and technical training within the Virginia Community College System, contingent upon successful completion of such training.
- **Impact of Legislation:** Amends [§ 8.01-195.11](#), with regard to the transition assistance grant of \$15,000, to provide a process for the request and receipt of this grant. It provides that the amount be paid from the Criminal Fund within 30 days of receipt of the written request for the grant to the Executive Secretary of the Supreme Court of Virginia. Payment of the grant shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Secretary.

[HB 988](#) (Gilbert): Criminal History Record Information; Discovery.

- **Existing Law:** Section [19.2-389](#) governs the dissemination and use of criminal history record information.
- **Impact of Legislation:** Amends [§ 19.2-389](#) to provide that the restrictions set forth therein on the dissemination and use of criminal history record information shall not preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

[HB 996](#) (Gilbert) / [SB 783](#) (Peake): Pretrial Services Agencies; Department of Criminal Justice Services to Review, Report.

- **Existing Law:** [Section 19.2-152.7](#), which requires the establishment of pretrial services agencies, requires the Department of Criminal Justice Services to periodically review each agency to determine compliance with the submitted plan and operating standards. If the Department determines that any agency is not in substantial compliance with the submitted plan or standards, it may suspend all or any portion of financial aid made available to the locality.
- **Impact of Legislation:** Amends [§ 19.2-152.7](#) to require that the Department review each agency annually, rather than periodically, and to report annually to the Governor and the General Assembly on the performance of each pretrial services agency, which report shall include, i) the total amount of funding received by that agency, ii) the number of investigations conducted by that agency, iii) the number of defendants placed on pretrial supervision with that agency, iv) the average daily caseload of that agency, v) the appearance, public safety, and compliance rates of defendants placed on pretrial supervision with that agency, and vi) a determination of whether that agency is in substantial compliance with all grant conditions and standards prescribed by the Department. If the agency is not in substantial compliance with all grant conditions and standards prescribed by the Department, that agency and the Department shall develop a plan and identify a timeframe to achieve compliance.

[HB 1055](#) (Herring): Discretionary Sentencing Guidelines; Judicial Performance Evaluation Program.

- **Existing Law:** Section [17.1-100](#) requires the Supreme Court of Virginia to establish and maintain a judicial performance evaluation program as a source of information for the reelection process. By December 1 of each year, the Supreme Court shall transmit a report of the evaluation in the final year of the term of each justice and

judge whose term expires during the next session of the General Assembly to the Chairmen of the House and Senate Committees for Courts of Justice.

- **Impact of Legislation:** Amends [§ 17.1-100](#) to require that the report of the evaluation shall include the number of cases during the judge's term in which the judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and for which the judge did not file a written explanation of such departure as required by [§ 19.2-298.01\(B\)](#).

[HB 1164](#) (Ingram): Search Warrants; Return to Jurisdiction Where Executed.

- **Existing Law:** [Section 19.2-56](#) provides that any search warrant for records or other information pertaining to a subscriber to, or customer of, an electronic communication service or remote computing service, whether a domestic corporation or foreign corporation, that is transacting or has transacted any business in the Commonwealth, to be executed upon such service provider may be executed within or outside the Commonwealth by hand, U.S. mail, commercial delivery service, facsimile, or other electronic means upon the service provider. The return of the search warrant shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was issued, if executed within the Commonwealth.
- **Impact of Legislation:** Amends [§ 19.2-56](#) to reflect that search warrants for records or other information pertaining to a subscriber to, or customer of, an electronic communication service or remote computing service may be executed within or outside the Commonwealth and to provide that the return of the search warrant shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was i) executed, if executed within the Commonwealth, and a copy of the return shall also be delivered to the clerk of the circuit court of the county or city where the warrant was issued, or ii) issued, if executed outside the Commonwealth.

[HB 1212](#) (Cline): Pro se Minors; Signing of Pleading, Motion, or Other Paper by Next Friend.

- **Existing Law:** [Section 8.01-271.1](#) requires pleadings, motions and other papers of a party to be signed by an attorney, if represented by an attorney, or by the "person" if proceeding pro se. Under this existing provision, some jurisdictions require that a juvenile be represented by counsel in order to pursue a protective order.
- **Impact of Legislation:** Allows a minor who is not represented by counsel to sign a pleading, motion or other paper by next friend and provides that either or both parents of the minor may sign on behalf of such minor as his next friend. Although this amendment is not confined to protective orders, this bill ensures that a parent

can pursue a petition for a juvenile protective order for their minor child without having to hire an attorney.

[HB 1238](#) (Cline): Timeliness of Indictments; Discharge from Jail.

- **Existing Law:** [Section 19.2-242](#) provides that a person in jail on a criminal charge shall be discharged from imprisonment if a presentment, indictment or information is not found or filed against him before the end of the second term of the court at which he is held to answer, unless it appears to the court that material witnesses for the Commonwealth have been enticed or kept away or are prevented from attendance by sickness or inevitable accident, and except, also, in the cases provided in [§§ 19.2-168.1](#) and [19.2-169.1](#) (evaluation on sanity and competency to stand trial).
- **Impact of Legislation:** Clarifies that only a person in jail on a criminal charge that has been certified or otherwise transferred from a district court to a circuit court is to be discharged from jail if an indictment, presentment, or information is not found or filed against him before the end of the second term of court at which he is held to answer.

[HB 1246](#) (Toscano): Identity Theft Passport; Police Reports Submitted to the Attorney General.

- **Existing Law:** [Section 18.2-186.5](#) provides that a person whose name or other identifying information has been used without his consent or authorization by another person who has been charged or arrested using such name or identification may file a petition with the court for expungement. A person who has filed such a petition as a result of identity theft may submit a copy of the expungement order to the Office of the Attorney General and request an Identity Theft Passport stating that such an order has been submitted. When the Office of the Attorney General issues an Identity Theft Passport, it shall transmit a record of the issuance of the passport to the Department of Motor Vehicles, which shall note it on the individual's driver abstract.
- **Impact of Legislation:** Amends [§ 18.2-186.5](#) to add that a person whose name or other identification has been used without his consent or authorization by another person may file with the Office of the Attorney General a copy of a police report showing that he has reported to a law-enforcement agency that his name or other identification has been used without his consent or authorization by another person and may request from the Office of the Attorney General the issuance of an Identity Theft Passport stating that such a police report has been submitted. In such a case, the Office of the Attorney General shall provide access to identity theft information to criminal justice agencies and individuals who have submitted a copy of a police report pursuant to this section.

[HB 1249](#) (Toscano) / [SB 565](#) (Obenshain): Analysis Upon Conviction of Certain Misdemeanors.

- **Existing Law:** [Section 19.2-310.2](#) provides for the taking of a DNA sample from any person convicted of a felony or specifically listed misdemeanors such as violation of protective orders, stalking, sexual battery, sexual abuse of a minor 13 to 15 years of age, entering the property of another for the purposes of damaging it, peeping or spying into a dwelling, indecent exposure, and obscene sexual displays.
- **Impact of Legislation:** Amends [§ 19.2-310.2](#) to include, among the misdemeanor offenses for which a DNA sample shall be taken, assault and battery, and trespass.

[HB 1260](#) (Mullin): Admission to Bail; Human Trafficking.

- **Existing Law:** [Section 19.2-120\(B\)](#) provides for a rebuttable presumption against the admission to bail for persons charged with certain enumerated offenses.
- **Impact of Legislation:** Adds [§§ 18.2-355](#) (taking a person for prostitution), [18.2-356](#) (receiving money for procuring prostitution), [18.2-357](#) (receiving money from earnings of a prostitute), and [18.2-357.1](#) (commercial sex trafficking) to the list of enumerated offenses for which there is a rebuttable presumption against the admission to bail.

[HB 1454](#) (Campbell): Civil Immunity; Programs for Probationers, Nonprofit Corporation Officials, Worksite Supervisors.

- **Existing Law:** [Section 8.01-226.8](#) provides that probation officers; court personnel; county, city and town personnel; public officials; and private volunteers who participate in a program where persons on probation or community service are ordered as a condition of probation or community service to pick up litter along the roadway; to perform recycling duties at landfills, garbage transfer sites, and other waste disposal systems; to mow rights-of-way; or to perform other landscaping tasks shall not be liable for any civil damages to a probationer or a person on community service, or the property of such person, for acts or omissions resulting from such participation, unless such act or omission is the result of willful misconduct.
- **Impact of Legislation:** Amends [§ 8.01-226.8](#) to require state personnel alongside county, city and town personnel covered from liability and to add, among the covered tasks, services assigned by such probation officers; court personnel; state, county, city or town personnel; or private volunteers acting as approved worksite supervisors of a court-approved voluntary jail diversion program. The amendment also provides that non-profit corporation employees or officials who participate in a program where persons on probation or community services are performing the listed tasks

shall also not be liable for any damages to such person unless their act or omission is the result of gross negligence or willful misconduct.

[HB 1482](#) (Thomas): Unmanned Aircraft Systems; Use By Public Bodies, Search Warrant Required.

- **Existing Law:** [Section 19.2-60.1](#) provides that no state or local government department, agency, or instrumentality having jurisdiction over criminal law enforcement or regulatory violations shall utilize an unmanned aircraft system except during the execution of a search warrant or an administrative or inspection warrant issued pursuant to law. Certain exceptions to this warrant requirement are listed, such as when an Amber Alert or Blue Alert is activated.
- **Impact of Legislation:** Amends [§ 19.2-60.1](#) to require, among the exceptions for a warrant requirement, if the unmanned aircraft system use is by i) a law enforcement officer following an accident where a report is required pursuant to § 46.2-373, to survey the scene of such accident for the purpose of crash reconstruction and record the scene by photographic or video images, ii) by the Department of Transportation when assisting a law enforcement officer to prepare a report pursuant to [§ 46.2-373](#).

[HB 1511](#) (Mullin): Service of Process; Investigator Employed by Attorney for the Commonwealth.

- **Existing Law:** [Section 8.01-293](#) allows for service of process by any person 18 years of age or older who is not a party or otherwise interested in the subject matter in controversy.
- **Impact of Legislation:** Amends [§ 8.01-293](#) to allow for service of process by an investigator employed by an Attorney for the Commonwealth or by the Indigent Defense Commission who was, within the past 10 years prior to being so employed, an active law enforcement officer as defined by [§ 9.1-101](#) in the Commonwealth and retired or resigned from his position as a law enforcement officer in good standing and provides that this investigator shall not be considered to be a party or otherwise interested in the subject matter in controversy while engaged in the performance of his official duties, provided that the sheriff in the jurisdiction where process is to be served has agreed that investigators may serve process. If a sheriff has agreed that such investigators may serve process, then investigators employed by either an attorney for the Commonwealth or the Indigent Defense Commission may serve process.

[SB 89](#) (Surovell): Child Abuse or Neglect; Civil Proceedings, Testimony of Children.

- **Existing Law:** [Section 63.2-1521](#) permits a child to testify via two-way closed circuit television in any civil proceeding involving alleged abuse or neglect or in proceedings involving consent for abortion, emergency removal, preliminary removal orders, preliminary protective orders, termination of residual parental rights, and custody, visitation and support in proceedings for divorce.
- **Impact of Legislation:** Amends [§ 63.2-1521](#) to add i) preliminary protective orders in cases of family abuse ([§ 16.1-253.1](#)), ii) emergency protective orders ([§ 16.1-253.4](#)), iii) protective orders issued as a result of violations of law relating to the education, protection or care of children or offenses committed by one family or household member against another ([§ 16.1-278.14](#)), and iv) protective orders in cases of family abuse ([§ 16.1-279.1](#)) to the list of civil proceedings involving alleged abuse and neglect of a child for which a court may order that the testimony of certain child victims or witnesses be taken outside the courtroom via two-way closed-circuit television.

[SB 307](#) (Cosgrove): Unmanned Aircraft Systems; Work Groups to Explore Issues Related System Activities.

- **Existing Law:** [Section 5.1-1](#) provides definitions for the purposes of [Title 5.1](#) of the Code (Aviation).
- **Impact of Legislation:** Defines “unmanned aircraft” to mean an aircraft that is operated without the possibility of human intervention from within or on the aircraft. Defines “unmanned aircraft system” to mean an unmanned aircraft and associated elements, including communication links, sensing devices, and the components that control the unmanned aircraft. Additionally, the legislation directs the Department of Aviation to convene a work group with representation from the aviation industry, the unmanned aircraft system industry, and other interested parties to explore issues related to unmanned aircraft system activities, in coordination with the Federal Aviation Administration and other responsible federal agencies.

[SB 609](#) (Surovell): Juvenile Offenders; Retention of Jurisdiction.

- **Existing Law:** [Section 16.1-242](#) provides that when jurisdiction has been obtained by a juvenile and domestic relations district court in the case of a child, such jurisdiction may be retained by the court until such person reaches 21 years of age, except when the person is in the custody of DJJ or when jurisdiction is divested

pursuant to [§ 16.1-244](#) (divorce in circuit court involving custody, visitation or support of a child).

- **Impact of Legislation:** Clarifies that the juvenile court's retained jurisdiction includes the authority to suspend, reduce, or modify the disposition of any juvenile adjudication.

[SB 813](#) (Peake): Forfeited Assets; State or Local Agency That Receives Net Proceeds of Assets From DCJS, etc.

- **Existing Law:** [Section 19.2-386.14](#) pertains to the distribution of forfeited assets. Subsection F of [§ 19.2-386.14](#) provides that the Department of Criminal Justice Services shall report annually to the Governor and the General Assembly the amount of all cash, negotiable instruments, and proceeds from the sales that were forfeited to the Commonwealth, including the amount of all forfeitures distributed to the Literary Fund. This report shall also detail the amount distributed by DCJS to each federal, state, or local agency or office and the amount each state or local agency or office received from federal asset forfeiture proceedings.
- **Impact of Legislation:** Amends [§ 19.2-386.14](#)(F) to require that any state or local agency that receives a forfeited asset or an equitable share of the net proceeds of a forfeited asset from DCJS or from a federal asset forfeiture proceeding shall inform DCJS of i) the offense on which the forfeiture is based, ii) any criminal charge brought against the owner of the forfeited asset, and iii) if a criminal charge was brought against the owner of the forfeited asset, the status of the charge, including whether the charge is pending or resulted in a conviction. DCJS must then include this information in its annual report required by this subsection.

[SB 833](#) (Carrico): Installation of a Pen Register or Trap and Trace Device; Emergency Circumstances.

- **Existing Law:** [Section 19.2-70.2](#) provides for the process and requirements for a law enforcement officer to apply to a court for the installation and use of a pen register or a trap and trace device. The statute sets forth the requirements for the contents of the application and of the court order. [Section 19.2-70.3](#) provides, in turn, that the provider of an electronic communication service or remote computing service shall disclose a record or other information pertaining to a subscriber to or customer of such service, excluding the contents of electronic communication and real-time location data, to an investigative or law-enforcement officer only pursuant to i) a subpoena issued by a grand jury, ii) a search warrant issued by a magistrate, general district court, or circuit court, iii) a court order issued by a circuit court for such disclosure, or iv) the consent of the subscriber or customer to such disclosure. Pursuant to subsection E of [§ 19.2-70.3](#), when disclosure of real-time location data is

not prohibited by federal law, an investigative or law-enforcement officer may obtain real-time location data without a warrant in the following circumstances:

- To respond to a user's call for emergency services;
 - With the informed, affirmative consent of the owner or user of the electronic device if i) the device is in his possession, ii) the owner or user knows or believes that the device is in the possession of an employee or agent of the owner or user with the owner's or user's consent, or iii) the owner or user knows or believes that the device has been taken by a third party without the consent of the owner or user;
 - With the informed, affirmative consent of the legal guardian or next of kin of the owner or user, if reasonably available, if the owner or user is reasonably believed to be deceased, is reported missing, or is unable to be contacted; or
 - If the investigative or law-enforcement officer reasonably believes that an emergency involving the immediate danger to a person requires the disclosure, without delay, of real-time location data concerning a specific person and that a warrant cannot be obtained in time to prevent the identified danger.
- **Impact of Legislation:** Amends [§ 19.2-70.2](#) to provide that, when the disclosure of real-time location data is not prohibited by federal law, an investigative or law-enforcement officer may obtain a pen register or trap and trace device installation without a court order, in addition to any real-time location data obtained pursuant to subsection E of [§ 19.2-70.3](#), in the following circumstances:
 - To respond to a user's call for emergency services;
 - With the informed, affirmative consent of the owner or user of the electronic device if i) the device is in his possession, ii) the owner or user knows or believes that the device is in the possession of an employee or agent of the owner or user with the owner's or user's consent, or iii) the owner or user knows or believes that the device has been taken by a third party without the consent of the owner or user;
 - With the informed, affirmative consent of the legal guardian or next of kin of the owner or user, if reasonably available, if the owner or user is reasonably believed to be deceased, is reported missing, or is unable to be contacted;
 - To locate a child who is reasonably believed to have been abducted or to be missing and endangered; or
 - If the investigative or law-enforcement officer reasonably believes that an emergency involving the immediate danger to a person requires the

disclosure, without delay, of pen register or trap and trace data, or real-time location data pursuant to subsection E of [§ 19.2-70.3](#), concerning a specific person and that a court order cannot be obtained in time to prevent the identified danger.

Further amends [§ 19.2-70.2](#) to require that when a pen register or trap and trace device installation is obtained pursuant to these circumstances without a court order, the officer seeking the installation shall file, within three business days after seeking the installation, a written statement setting forth the facts giving rise to the emergency and the reasons why the installation of the pen register or trap and trace device was believed to be important in addressing the emergency.

Amends subsection E of [§ 19.2-70.3](#) to require, among the listed circumstances pursuant to which an investigative or law-enforcement officer may obtain real-time location data without a warrant, to locate a child who is reasonably believed to have been abducted or to be missing and endangered.

DJJ LEGISLATION

[HB 274](#) (Ward): Informal Truancy Plans; Students Proceeded Against or Adjudicated on More Than 2 Occasions.

- **Existing Law:** [Section 16.1-260](#) allows an intake officer to defer the filing of a complaint for truancy, and instead, proceed informally against a student alleged to be truant only if the student has not previously been proceeded against informally or adjudicated in need of supervision for failure to comply with compulsory school attendance.
 - The opportunity for diversion of a truancy offense was, and still is, more restrictive than some misdemeanor offenses (ex., no limit on the number of diversions allowed for possession of marijuana).
 - The restriction to one diversion opportunity for truancy over the course of a student’s entire k-12 education failed to account for the unique circumstances encountered by students, at home and at school, at different stages of their education.
 - Elementary School – truancy due to parental issues.
 - Middle and High School – truancy may be due to bullying at school or other issues at home.
- **Impact of Legislation:** Allows for up to three diversions for truancy so long as the previous diversion occurred at least three calendar years prior to the instant complaint.

[HB 528](#) (James): Independent Living Arrangement; DJJ, Placement of Certain Individuals.

- **Existing Law:** The definitions of “independent living,” “independent living arrangement,” and “independent living services,” set forth in [§§ 16.1-228](#) and [63.2-100](#), did not include individuals placed by DJJ into DSS-licensed independent living arrangement facilities. Just as these programs help to transition former foster care individuals to self-sufficiency by providing them with valuable skills and tools needed to live independently, they similarly help individuals being released from direct care with DJJ transition to self-sufficiency. As a result of the limitations placed on these terms, however, DSS was not authorized to monitor the individuals placed by DJJ while monitoring their DSS-placed counterparts.
- **Impact of Legislation:** The definitions now include youth of at least 16 years of age and individuals between the ages of 18 and 21 who were committed to DJJ

immediately prior to placement in an independent living arrangement. As a result, the ability to place DJJ youth in independent living arrangements has been codified and the treatment of DJJ-placed youth may now be monitored by DSS case workers visiting the facilities to monitor their DSS-placed counterparts.

[HB 1599](#) (Landes): Criminal Justice Services, Department of; definitions of law-enforcement officer.

- **Existing Law:** Pursuant to [§ 66-3\(A\)\(7\)](#), the Director of the Department of Juvenile Justice is authorized to designate employees with internal investigations authority to have the same power as a sheriff or law enforcement officer in the investigation of allegations of criminal behavior affecting the operations of the Department. Because these investigators were not also included in the definition of “law enforcement officer,” set forth in [§ 9.1-101](#), however, magistrates from some jurisdictions refused to issue them warrants. Further, the Office of the Attorney General recently concluded that since they were not included in the definition of “law enforcement officer,” they could not be included in the certified law enforcement officer database maintained by the Department of Criminal Justice Services. As a result, DCJS would have had to de-certify them and purge them from the database. This would have limited the investigative authority of DJJ investigators such as the ability to swear out arrest and search warrants, thereby impacting DJJ’s ability to quickly address immediate threats and investigations.
 - DJJ has 11 internal investigators. In FY 17, DJJ investigated 386 cases involving allegations against staff and residents.
- **Impact of Legislation:** The definition of law enforcement officer has been amended to include DJJ internal investigators designated by the Director under [§ 66-3\(A\)\(7\)](#).
 - The legislation excludes these investigators from the Line of Duty Act.

EDUCATION

[HB 1](#) (Wilt): Scholastic Records; Prohibited Access to Directory Information.

- **Existing Law:** [Section 22.1-287](#) provides for the privacy of student records and sets forth exceptions to such privacy.
- **Impact of Legislation:** Clarifies that “directory information,” as defined by the federal Family Educational Rights and Privacy Act, may be publicly disclosed provided that the school has given notice to the parent or eligible student of the i) type of information that the school has designated as directory information, ii) the right of the parent or eligible student to refuse the designation of the types of information about the student as directory information, and iii) the period of time within which the parent must notify the school in writing that he does not want any or all types of information about the student designated as directory information. The amendment also provides that no school shall disclose the address, telephone number, or email address of a student pursuant to the Freedom of Information Act unless the parent or eligible student has affirmatively consented in writing to such disclosure.

[HB 2](#) (Bell, R.P.) / [SB 103](#) (Suetterlein): Teacher Licensure; Reciprocity, Spouses of Armed Forces Members.

- **Existing Law:** [Section 22.1-298.1](#) pertains to regulations governing teacher licensure and includes licensure requirements for reciprocity.
- **Impact of Legislation:** Requires the regulations governing teacher licensing by reciprocity to provide for the licensure of a spouse of an active duty member of the Armed Forces who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time of application. No service requirements or licensing assessments shall be required for any such person.

[HB 45](#) (Filler-Corn): Family Life Education Curricula; Personal Privacy and Personal Boundaries.

- **Existing Law:** [Section 22.1-207.1:1](#) establishes requirements for family life education curricula.
- **Impact of Legislation:** Requires that any family life education curriculum in any elementary, middle, or high school incorporate age- appropriate elements of effective and evidence-based programs on the importance of the personal privacy and personal boundaries of other individuals and tools for a student to use to ensure he respects the personal privacy and personal boundaries and of others.

[HB 50](#) (Hope) / [SB 840](#) (Favola): School Meal Policies; Each Local School Board Required to Adopt Policies.

- **Existing Law:** Not applicable.
- **Impact of Legislation:** Requires local school boards to adopt policies that i) prohibit employees from requiring a student who cannot pay for a meal or who owes a meal debt to do chores, or other work to pay for such meals or wear a wristband or handstamp, and ii) require school board employees to direct any communication relating to a school meal debt be directed to the student's parent. Such communication shall be made by a letter addressed to the parent to be sent home with the student.

[HB 80](#) (Krizek): Teacher Licensure by Reciprocity; Third Party Verification of Application Documents.

- **Existing Law:** Section [22.1-298.1](#) pertains to regulations governing teacher licensure and includes licensure requirements for reciprocity.
- **Impact of Legislation:** Requires the regulations providing for licensure by reciprocity to permit applicants to submit third-party employment verification forms.

[HB 81](#) (Krizek): Division Superintendents; Vacancies, Appointment.

- **Existing Law:** [Section 22.1-60](#) requires that a division superintendent be appointed by a school board within 180 days after a vacancy occurs. When a school board has not appointed a superintendent within 120 days, it must submit a written report to the Superintendent of Public Instruction demonstrating its timely efforts to make an appointment.
- **Impact of Legislation:** Provides that, upon request, a school board shall be granted up to an additional 180 days to appoint a division superintendent.

[HB 84](#) (Bell, R.P.): American Sign Language; Instruction In; Academic Credit, Foreign Language Requirements.

- **Existing Law:** [Section 22.1-207.5](#) provides that if a school board offers courses in American Sign Language, it shall grant credit for such course on the same basis as a foreign language course and count it toward the fulfillment of any foreign language requirement for graduation.
- **Impact of Legislation:** Requires that if a school board does *not* offer a course in American Sign Language, it shall grant academic credit for the successful completion

of an American Sign Language course offered by a comprehensive community college or a multidivision online provider approved by the board on the same basis as the successful completion of a foreign language course and count the completion of such a course toward the fulfillment of any foreign language requirement for graduation.

[HB 129](#) (Yancey): Worker Retraining Tax Credit; Manufacturing Instruction for Students.

- **Existing Law:** [Section 58.1-439.6](#) provides for worker retraining state income tax credits.
- **Impact of Legislation:** Allows a tax credit to manufacturers who conduct a manufacturing orientation, instruction, and training program that is i) provided to students in grades 6 through 12, ii) coordinated with the local school division and certified by the Virginia Economic Partnership Development Authority, and iii) conducted either at a plant or facility used by the manufacturer or at a public middle or high school. The credit would equal 35% of the direct costs incurred in conducting the orientation, instruction and training up to an amount of \$2,000 per year.

[HB 150](#) (Bulova) / [SB 184](#) (Favola): Child Abuse and Neglect; Founded Reports Regarding Former School Employees.

- **Existing Law:** [Section 63.2-1505](#) requires that when the local departments of social services responds to a report or complaint of child abuse or neglect and such abuse or neglect is founded, it shall notify the local school board of the founded complaint if the subject of the report is an employee of the school division.
- **Impact of Legislation:** Requires notification to the local school board if the subject of the report is, or was at the time of the investigation or conduct that led to the report, an employee of the school division and requires that the notification be made without delay.

[HB 212](#) (Wright) / [SB 124](#) (Black): State and Local Government; School Boards and School Board Employees.

- **Existing Law:** [Section 2.2-3119](#) makes it unlawful for a school board to employ any teacher or other school board employee, or for the superintendent to recommend to the school board the employment of any teacher or other employee, if the teacher or other employee is the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law of the superintendent, or of any member of the school board. The section contains an exception to this prohibition for the employment of any such person if i) the related school board member certifies

that he had no involvement with the hiring decision, and ii) the superintendent certifies to the remaining members of the governing body in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member of the board had any involvement with the hiring decision. This exemption, however, applied only to school districts located in specifically listed Planning Districts.

- **Impact of Legislation:** Amends [§ 2.2-3119](#) to apply the exemption to all school districts.

[HB 292 \(Collins\): Abduction; Reports to School Division Superintendents.](#)

- **Existing Law:** [Section 16.1-260\(G\)](#) requires an intake officer to file a report with the division superintendent of a petition alleging that a student has committed a crime. If the violation involves certain listed offenses (firearm offense, homicide, felonious assault, sexual assault, controlled substances, marijuana, arson, burglary, robbery, criminal street gang activity, gang recruitment, and acts of violence by mob) the report must notify the superintendent of the filing of the petition and the nature of the offense.
- **Impact of Legislation:** Expands the listed offenses under [§ 16.1-260\(G\)](#) to include abduction in violation of [§§ 18.2-47](#) or [18.2-48](#).
- **Existing Law:** [Section 19.2-83.1](#) requires law-enforcement officers to submit a report to the division superintendent if a student age 18 or older is arrested for certain offenses (firearm offense, homicide, felonious assault, sexual assault, controlled substances, marijuana, arson, burglary, robbery, criminal street gang activity, and gang recruitment).
- **Impact of Legislation:** Adds acts of violence by mob ([§ 18.2-42.1](#)) and abduction ([§§ 18.2-47](#) and [18.2-48](#)) to this list, making it identical to the list set forth in [§ 16.1-260\(G\)](#).
- **Existing Law:** [Section 22.1-279.3:1\(A\)](#) requires reports be made by law enforcement to the division superintendent and to the principal or his designee on all incidents involving:
 - (i) assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity;
 - (ii) assault and battery resulting in bodily injury, sexual assault, death, shooting, stabbing, cutting or wounding or stalking on a school bus, on school property, or at a school-sponsored activity;

- (iii) conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;
 - (iv) threats against school personnel while on a school bus, on school property or at a school-sponsored activity;
 - (v) the illegal carrying of a firearm onto school property;
 - (vi) illegal conduct involving firebombs, explosive materials or devices, hoax explosive devices, explosive or incendiary devices, or chemical bombs on a school bus, on school property, or at a school-sponsored activity;
 - (vii) threats or false threats to bomb made against school personnel or involving school property or school buses; or
 - (viii) the arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity.
- **Impact of Legislation:** Adds abduction under [§§ 18.2-47](#) or 18.2-48 occurring on a school bus, on school property, or at a school-sponsored activity under clause (ii) of the above list. This also impacts [§ 22.1-279.3:1\(D\)](#), which requires the principal to immediately report to law enforcement any act enumerated in clause (ii) through (vii) of [§ 22.1-279.3\(A\)](#).

[HB 329](#) (Yancey): High School Graduation Requirements; Course Load.

- **Existing Law:** [Section 22.1-253.13:4](#) provides for high school graduation requirements.
- **Impact of Legislation:** Requires the Board of Education, in establishing graduation requirements, to permit students to exceed a full course load in order to participate in courses offered by an institution of higher education that lead to a degree, certificate, or credential at such institution.

[HB 438](#) (Bulova) / [SB 605](#) (Ebbin): School Boards, local, etc.; Prohibits Assisting Person for Job if Engaged in Misconduct With Minor.

- **Existing Law:** Not applicable.
- **Impact of Legislation:** Requires the Department of Education and local school boards to adopt policies to implement federal law prohibiting any school board or employee, contractor, or agent of a school board from assisting an employee, contractor, or agent of that school board in obtaining a new job if it is known, or there is probable cause to believe, that the employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of law.
- **Note:** This is a §1 bill.

[HB 442](#) (Foy): Career and Technical Education Credentials; Testing Accommodations for English Language Learners.

- **Existing Law:** [Section 22.1-253.13:4\(D\)](#) sets forth requirements for the Board of Education in establishing graduation requirements. Among the requirements are that the students either i) complete an Advanced Placement, honors, or International Baccalaureate course, or ii) earn a career and technical education credential that has been approved by the Board. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment.
- **Impact of Legislation:** Requires the Department of Education to develop, maintain, and make available to each local school board a catalogue of the testing accommodations available to English language learners for each such certification, examination, assessment and battery. Each local school board shall develop and implement policies to require each high school principal or his designee to notify each English language learner of the availability of such testing accommodations prior to the student's participation in any such certification, examination, assessment or battery.

[HB 507](#) (Mullin): Standards of Quality; Instructional Programs and Positions, Dual Language Teachers.

- **Existing Law:** [Section 22.1-253.13:1](#) pertains to instructional programs supporting the Standards of Learning and other educational objectives and requires local school

boards to implement the identification of students with limited English proficiency and the enrollment of such students in appropriate instructional programs. [Section 22.1-253.13:2](#) pertains to instructional, administrative and support personnel and provides that state funds provide support to 17 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency.

- **Impact of Legislation:** Amends [§ 22.1-253.13:1](#) to provide that the instructional programs may include dual language programs whereby such students receive instruction in English and in a second language. Amends [§ 22.1-253.13:2](#) to add that the positions may include dual language teachers who provide instruction in English and in a second language.

[HB 544](#) (Freitas) / [SB 960](#) (Suetterlein): High School to Work Partnerships; Establishment, Exemptions.

- **Existing Law:** [Section 22.1-277.1](#) provides that local school boards may encourage the division's career and technical education administrator to collaborate with the guidance counselor office of each high school to establish High School to Work Partnerships and to educate the students about available opportunities.
- **Impact of Legislation:** Amends [§ 22.1-277.1](#) to provide that local school boards may establish High School to Work Partnerships between public high schools and local businesses to create opportunities for high school students to i.) participate in an apprenticeship, internship, or job shadow program in a variety of trades, and skilled labor positions or ii.) tour local businesses and meet with owners and employees or iii.) or may delegate the authority to establish Partnerships to the local school division's career and technical education administrator or his designee, in collaboration with the guidance counselor office of each public high school in the school division. The bill also requires such local school boards to educate high school students about opportunities available through such Partnerships. [Section 22.1-17.3](#) is amended to require the Board of Education, the Department of Labor and Industry, and the State Board of Community Colleges to identify High School to Work Partnerships that may be eligible for exemptions from federal and state labor laws and regulations and to establish procedures by which such exemptions may be obtained for such partnerships.

[HB 632](#) (Bulova): Career Investigation Courses and Programs of Instruction; Board of Education to Establish.

- **Existing Law:** [Section 22.1-253.13:1](#) sets forth requirements for the Board of Education and local school boards pertaining to instructional programs supporting the Standards of Learning and other educational objectives.

- **Impact of Legislation:** Requires the Board of Education to establish content standards and curriculum guidelines for career investigation courses in middle and high school and to require each school board to require each middle school student to take at least one course or alternative program of instruction in career investigation. Additionally, a school board may require such courses in high school, subject to Board approval, and in elementary school. The Board is required to develop and disseminate career investigation materials to each school board.

[HB 1125](#) (Landes) / [SB 349](#) (Peake): Teacher Licensure; Requirements for License, etc.

- **Existing Law:** [Section 22.1-298.1](#) sets forth requirements for regulations governing teacher licensure, [§ 22.1-298.2](#) pertains to regulations governing educational preparation programs, [§ 22.1-299](#) pertains to license and provisional license requirements, [§ 22.1-299.5](#) pertains to waiver of license requirements, and [§ 22.1-299.6](#) pertains to licenses for career and technical education.
- **Impact of Legislation:** Amends [§ 22.1-298.1](#) to provide that no teacher who seeks a provisional license shall, as a condition of such license, be required to complete study in child abuse, first aid, and dyslexia but, instead, must complete these during the first year of provisional licensure. Amends [§ 22.1-298.1](#) to require the Board of Education to provide an alternative route to licensure for elementary and special education. Amends [§ 22.1-299](#) to require the Board to extend a teacher's 3 year provisional license for 1 to 2 years upon receipt from the division superintendent of a request for such an extension and so long as the teacher has received satisfactory performance evaluations. Amends [§ 22.1-299.5](#) to change the annual waiver that may be sought to the licensure requirements for a teacher of a trade or industrial education course to a biennial waiver. Amends [§ 22.1-299.6](#) to require the Board to provide that the existing 3 year license to qualified individuals to teach career and technical education courses will include full time, as well as the existing part time, teachers.

[HB 1485](#) (Filler-Corn) / [SB 841](#) (Favola): Truancy; Procedures Relating to Intervention.

- **Existing Law:** [Section 22.1-258](#) sets forth the process relating to interventions triggered once a student fails to report for a total of 5 school days for the school year without any indication being received by the student's parent that the parent is aware of, and supports, such absences.
 - When a student fails to report to school for a total of 5 school days for the school year and no indication has been received that the parent is aware of and supports such absences, and a reasonable effort to notify the parent has failed, the principal or his designee or the attendance officer shall make a

reasonable effort to ensure that direct contact is made with the parent, in person or by telephone, to obtain an explanation of the student's absence and to explain to the parent the consequences of continued nonattendance. The principal or his designee or attendance officer, the student and the student's parent shall jointly develop a plan to resolve the nonattendance.

- If the student is then absent an additional day after direct contact with the parent, and the attendance officer has received no indication that the parent is aware of and supports the absence, the principal or his designee or the attendance officer shall schedule a conference within 10 school days with the student, the parent, and school personnel to resolve issues with the student's nonattendance. The conference shall be held no later than 15 school days after the 6th absence.
- Upon the next unexcused absence by the student, the principal or his designee shall notify the attendance officer or division superintendent, who shall do either or both of the following: (i) file a complaint with the juvenile and domestic relations court alleging the student is a child in need of supervision as defined in [§ 16.1-228](#) or (ii) institute proceedings against the parent pursuant to [§ 18.2-371](#) (rendering child delinquent, in need of supervision, etc. – Class 1 misdemeanor) or [§ 22.1-262](#) (refusal to participate in the development of the attendance plan or in the conference – Class 3 misdemeanor).
- **Impact of Legislation:** Provides schools with greater discretion in determining the appropriate interventions for students with attendance issues, thereby potentially reducing the number of students who become involved in the court system due to nonattendance.
 - Expands the methods school personnel may use to make direct contact with the parent after the student's 5th absence to include "other communication devices."
 - Removes the attendance officer from participating in the development of a plan to resolve the student's nonattendance after the 5th absence.
 - Amends the requirement that the conference to resolve the nonattendance be scheduled if the student is absent "an additional day" after the direct contact is made with the parent to, instead, require that it be scheduled if the student is absent "for more than one additional day" after such direct contact.
 - Makes the school attendance officer's participation in the conference that occurs if the student is absent for more than one additional day discretionary, rather than mandatory.

- Increases the number of absences that trigger the deadline by which the conference must occur from 6 to 10, changes the deadline by which the conference must occur from 10 to 15 school days after the 10th absence, and provides that the conference must occur according to the timeframe regardless of whether the parent has knowledge of, or approves of, the conference.
- Gives the conference team the authority to monitor the student's attendance and to continue to meet to address concerns and plan additional interventions if attendance does not improve.
- Removes the mandatory requirement that the school attendance officer file a complaint with the court service unit once the student has an additional absence after the conference occurs.
- Provides that if the parent is intentionally noncompliant with compulsory attendance or if the student is resisting parental efforts to comply with compulsory attendance requirements, the principal or designee must then refer the case to the attendance officer who must schedule a conference with the student and parent within 10 days.
- Gives the attendance officer the discretion as to whether to file a formal complaint against the student or parent after each of these interventions are applied.
- Strikes the requirement in [§ 22.1-262](#) that the attendance officer file a formal complaint against parents who refuse to participate in the plan development or conference.

[HB 1530 \(Davis\): High Schools; Board of Education to Make Recommendations.](#)

- **Existing Law:** Not applicable.
- **Impact of Legislation:** Requires the Board of Education to make recommendations to the Governor and the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than November 1, 2018, relating to i) strategies for eliminating any stigma associated with high school career and technical education pathways and the choice of high school students to pursue coursework and other educational opportunities in career and technical education and related fields such as computer science and robotics, and ii) the consolidation of the standard and advanced diplomas into a single diploma and the creation of multiple endorsements for such diploma to recognize student competencies and achievements in specific subject matter areas.

[HB 1600](#) (Bourne): Student Discipline; Long-Term Suspension.

- **Existing Law:** [Section 22.1-276.01](#) defines “long-term suspension” as a disciplinary action whereby a student is not permitted to attend school for more than 10 school days but less than 365 calendar days. [Section 22.1-277.05](#) sets forth the procedures to be followed for imposing long-term suspension.
- **Impact of Legislation:** Amends the definition of “long-term suspension” set forth in [§ 22.1-276.01](#) to a disciplinary action whereby a student is not permitted to attend school for 11 to 45 school days. [Section 22.1-277.05](#) is amended to provide that a long-term suspension may extend beyond a 45 school day period but shall not exceed 364 calendar days if i) the offense is one described in [§22.1-277.07](#) (firearm or destructive device on school property) or [22.1-277.08](#) (controlled substance, imitation controlled substance, or marijuana on school property) or involves serious bodily injury, or ii) the school board or division superintendent or his designee finds that “aggravating circumstances” exist, as defined by the Department of Education. The definition of the term aggravating circumstances shall include a consideration of the student’s disciplinary history.

[SB 126](#) (Cosgrove): Driver Education Programs; Parent/Student Driver Education Component.

- **Existing Law:** [Section 22.1-205](#), pertaining to driver education programs in public schools, requires a minimum 90 minute parent/student driver education component in Planning District 8 (Northern Virginia). The component shall emphasize parental responsibilities regarding juvenile driver behavior, juvenile driving restrictions, and the dangers of driving while intoxicated and underage drinking.
- **Impact of Legislation:** Provides that the parent/student driver education component required in Planning District 8 may be provided to students elsewhere at the discretion of the local school board. Although the component must be administered in person in Planning District 8, it may be administered in person or online by a public school or driver training schools that are licensed as computer-based driver education providers. When a school board decides to provide the component, students are required to participate.

[SB 170](#) (Stanley): Public Schools; Student Discipline.

- **Existing Law:** [Section 22.1-277\(A\)](#) provides that students may be suspended or expelled for sufficient cause. [Section 22.1-277\(C\)](#) provides that a student may be suspended or expelled if a report has been received in accordance with [§ 16.1-305.1](#) stating that the student has been adjudicated delinquent or convicted of an offense

involving a firearm, homicide, felony assault, sexual assault, Schedule I or II controlled substances, marijuana, arson, burglary, robbery, street gang activity, gang recruitment, or an act of violence by mob, wherever committed.

- **Impact of Legislation:** Amends [§22.1-277](#) to provide that, with the exception of [§ 22.1-277\(C\)](#), [§22.1-277.07](#) (firearm or destructive device on school property) or [§ 22.1-277.08](#) (controlled substance, imitation controlled substance, or marijuana on school property), no student in preschool through grade three shall be suspended for more than 3 school days or expelled unless the offense involves physical harm or threat of physical harm or unless the superintendent finds that aggravating circumstances exist.

[SB 512](#) (Suetterlein): Student Addresses, Telephone Numbers, and Email Addresses.

- **Existing Law:** [Section 2.2-3705.4](#) of the Virginia Freedom of Information Act sets forth specific exclusions from the Act for certain educational records.
- **Impact of Legislation:** Adds an exclusion for the address, phone number, or email address of a student without written consent of the student or legal guardian. (Note: HB 1 achieves the same result via an amendment to [§ 22.1-287](#)).

JUVENILE JUSTICE

[HB 35](#) (Hayes) / [SB 52](#) (Spruill): Juveniles, Places of Confinement.

- **Existing Law:** [Section 16.1-249](#) addresses where a juvenile may be detained or placed prior to trial. When a case is transferred to circuit court, [§ 16.1-249\(D\)](#) allows the court to place the juvenile in a secure juvenile facility unless the court determines that the juvenile is a threat to the security or safety of the other juveniles detained or the staff of the facility. If the juvenile is a threat to security or safety, the court may transfer the juvenile to a jail or other facility for the detention of adults. Currently, [§ 16.1-249\(D\)](#) states that the juvenile no longer needs to be kept separate and apart from adults in the secure facility. There is no Virginia requirement forbidding an adult facility from mingling such a juvenile with the detained adult population.
- **Impact of Legislation:** Removes the requirement that the juvenile no longer needs to be kept separate and apart from adults and requires that an adult facility to which a juvenile is transferred must be approved by the State Board of Corrections (SBC) for the detention of juveniles. Such approval requires that the juvenile be kept separate and apart from adults. This ensures that an adult facility to which a juvenile is placed due to a transfer under [§ 16.1-249\(D\)](#), must be approved by the SBC for the detention of juveniles. Such approval, in turn, is currently contingent upon the juvenile being kept separate and apart from adults.

[HB 135](#) (Bell, J.) / [SB 109](#) (Black): Dissemination of Juvenile Record Information; Emergency Medical Services Agency Applicants.

- **Existing Law:** [Section 19.2-389.1](#) allows for the dissemination of juvenile record information to several entities for specified purposes, including the State Police or a police department or sheriff's office for the purpose of screening any person for full-time or part-time employment with the State Police or a police department or sheriff's office that is a part of, or administered by, the Commonwealth or any political subdivision thereof.
- **Impact of Legislation:** Amends [§ 19.2-389.1](#) to allow for the dissemination of juvenile record information maintained in the Central Criminal Records Exchange (CCRE) to:
 1. The State Health Commissioner or his/her designee for the purpose of screening any person who applies to be a volunteer with, or an employee of, an emergency medical services agency as provided in [§ 32.1-111.5](#); and
 2. The chief law-enforcement officer of a locality that has adopted an ordinance in accordance with [§§ 15.2-1503.1](#) and [19.2-389](#) for the purpose of screening any

person who applies to be a volunteer with, or an employee of, an emergency medical services agency.

[HB 150](#) (Bulova) / [SB 184](#) (Favola): Child Abuse and Neglect; Founded Reports Regarding Former School Employees.

- **Existing Law:** [Section 63.2-1505](#) requires that when the local department of social services responds to a report or complaint of child abuse or neglect and such abuse or neglect is founded, it shall notify the local school board of the founded complaint if the subject of the report is an employee of the school division.
- **Impact of Legislation:** Requires the notification to the local school board if the subject of the report is, or was at the time of the investigation or conduct that led to the report, an employee of the school division and requires that the notification be made without delay.

[HB 278](#) (Collins): Compensation of Guardian ad Litem to Represent a Child; Adjustment by the Court.

- **Existing Law:** [Section 16.1-267](#) provides for the costs and reimbursements for the services of a guardian ad litem appointed to represent a child.
- **Impact of Legislation:** Provides that if the guardian ad litem fails to substantially comply with the standards adopted for attorneys appointed to serve as such, the court may adjust the cost sought by the guardian ad litem.

[HB 389](#) (Keam) / [SB 183](#) (Favola): Child Abuse and Neglect; Notice of Founded Reports to Superintendent of Public Instruction.

- **Existing Law:** [Section 63.2-1503\(P\)](#) requires the local department of social services to notify the Superintendent of Public Instruction when an individual holding a license issued by the Board of Education is the subject of a founded complaint of child abuse or neglect and to transmit identifying information regarding such individual if the local department knows the person holds a license issued by the Board and after all rights of appeal have been exhausted.
- **Impact of Legislation:** Eliminates the requirement that all rights of appeal be exhausted before the local department of social services transmits the identifying information and requires, instead, that the local department notify the Superintendent of Public Instruction without delay if the founded complaint is dismissed following an appeal.

[HB 1355](#) (Hope): Minors; Alternative Facility of Temporary Detention.

- **Existing Law:** [Section 16.1-340.1](#) pertains to the involuntary temporary detention of minors, including those in detention pursuant to an order of a juvenile and domestic relations district court. [Section 16.1-340.2](#) pertains to the transportation of a minor subject to such a temporary detention order.
- **Impact of Legislation:** Amends [§ 16.1-340.1](#) to add that the local community services board may change the initial facility of temporary detention and designate an alternative facility for temporary detention if it is determined that the alternative facility is more appropriate for the minor. Amends [§ 16.1-340.2](#) to establish clear parameters for determining which alternative transportation provider or law enforcement agency shall provide for the transportation of the minor to the alternative facility.

[SB 392](#) (Barker): Involuntary Commitment of a Juvenile; Notification of Parents.

- **Existing Law:** [Section 16.1-341](#) sets forth the process for the petition for the involuntary commitment of a minor. Copies of the petition and notice of hearing are required to be served upon the minor and the minor's non-petitioner parents.
- **Impact of Legislation:** Adds that the hearing on the petition may proceed if copies of the petition and notice of hearing have been served on at least one parent and a reasonable effort has been made to serve copies on both parents.

[SB 669](#) (Deeds): Involuntary Mental Health Treatment; Minors, Access to Firearms.

- **Existing Law:** [Section 16.1-344](#) provides for the involuntary commitment of a minor 14 years of age or older and requires the court to inform the minor of his right to be voluntarily admitted pursuant to [§ 16.1-338](#).
- **Impact of Legislation:** Provides that a person who, while a minor 14 years of age or older, is ordered to involuntary treatment or was subject to a temporary detention order and then agreed to voluntary admission is subject to the same restrictions on possessing, purchasing, or transporting a firearm as an adult who was similarly ordered to involuntary treatment or was subject to a temporary detention order and agreed to voluntary admission. The person may utilize the same procedure as an adult for petitioning for the restoration of firearm rights. The bill sets forth the procedure for the submission of any involuntary treatment order or certification of voluntary admission subsequent to a temporary detention order involving a minor 14 years of age or older to the Central Criminal Records Exchange.

MENTAL HEALTH & MEDICAL

[HB 52](#) (Hope): Competency and Sanity Evaluations; Location of Evaluation.

- **Existing Law:** [Section 19.2-169.1](#) (competency to stand trial - adults) and [§ 19.2-169.5](#) (sanity at time of the offense - adults) provide that the evaluation be performed on an outpatient basis at a mental health facility or jail unless the court specifically finds that outpatient evaluation services are unavailable or unless the results of outpatient evaluation indicate that hospitalization of the defendant for the evaluation is necessary. If the court finds that hospitalization is necessary, the court may order that the defendant be sent to a hospital designated by the Commissioner of Behavioral Health and Developmental Services and be hospitalized for such time as the director of the hospital deems necessary to perform an adequate evaluation, but not to exceed 30 days.
- **Impact of Legislation:** The evaluation shall be performed on an outpatient basis at a mental health facility or in jail unless an outpatient evaluation has been conducted and the outpatient evaluator opines that a hospital-based evaluation is needed to reliably reach an opinion or unless the defendant is in the custody of the Commissioner of Behavioral Health and Developmental Services.

[HB 53](#) (Hope): Persons Acquitted by Reason of Insanity; Evaluation.

- **Existing Law:** [Section 19.2-182.2](#) requires that a person acquitted by reason of insanity be confined to a hospital for the evaluation.
- **Impact of Legislation:** Provides that the court may authorize that the evaluation be conducted on an outpatient basis, in which case the Commissioner of Behavioral Health and Developmental Services shall determine if the evaluation shall be conducted on an outpatient basis or whether the acquittee shall be confined in a hospital for evaluation. If the court does not authorize an outpatient evaluation, the acquittee shall be confined in a hospital for evaluation. If an acquittee being evaluated on an outpatient basis fails to comply with the evaluation, the Commissioner shall petition the court for an order to confine the acquittee in a hospital for the evaluation.

[HB 155](#) (McQuinn): Opioids; Location of Clinics for the Treatment of Addiction in Henrico County or City of Richmond (*same as SB 329 except that it includes the City of Newport News*).

- **Existing Law:** [Section 37.2-406](#) provides that the Commissioner of Behavioral Health and Developmental Services shall not grant an initial license to a provider of treatment for persons with opiate addiction through the use of i) methadone or ii) opioid replacements other than opioid replacements approved by the U.S. Food and

Drug Administration if the provider is to be located within one half mile of a public or private licensed day care center or a public or private K-12 school.

- **Impact of Legislation:** Provides that the existing prohibition does not apply to an applicant for a license to operate in its current location as a facility to provide such treatment when the facility is located within one half mile of a public or private licensed day care center or a public or private K-12 school in Henrico County, the City of Newport News or the City of Richmond and has been licensed and operated as a facility to provide such treatment by another provider immediately prior to the submission of the application for a license.

[HB 322 \(Bourne\): Naloxone or Other Opioid Antagonist; Possession and Administration.](#)

- **Existing Law:** [Section 54.1-3408](#) lists certain professionals who are permitted to possess and administer naloxone for overdose reversal to a person who is believed to be experiencing, or about to experience, a life threatening opioid overdose.
- **Impact of Legislation:** Requires employees of the Department of Corrections designated as probation and parole officers and correctional officers among those authorized to possess and administer naloxone.

[HB 364 \(Rush\): Execution of Temporary Detention Orders; Inmates in Local Correctional Facilities.](#)

- **Existing Law:** [Section 19.2-169.6\(A\)\(2\)](#) sets forth the process whereby a magistrate may issue a temporary detention order for an inmate of a local correctional facility.
- **Impact of Legislation:** Provides that the temporary detention order so issued may be executed by a deputy sheriff or jail officer employed at the local correctional center where the inmate is incarcerated.

[HB 1193 \(Bell, R.B.\): Persons Acquitted by Reason of Insanity; Commitment for Inpatient Hospitalization.](#)

- **Existing Law:** [Section 19.2-182.3](#) sets forth the procedure for determining the commitment to inpatient hospitalization, conditional release, or release of a person acquitted by reason of insanity.
- **Impact of Legislation:** Requires that a person acquitted by reason of insanity who is committed to inpatient hospitalization pursuant to this section but who is also sentenced to a term of incarceration for any other offense in the same proceeding or in a prior proceeding shall first complete the sentence before being placed in the

custody of the Commissioner of Behavioral Health and Developmental Services. Further, a person committed after being found not guilty by reason of insanity who is sentenced to a term of incarceration in any proceeding conducted during the commitment period must be transferred to the correctional facility to serve the sentence before being transferred back to the Commissioner of Behavioral Health and Developmental Services.

[HB 1251](#) (Cline) / [SB 726](#) (Dunnavant): CBD Oil and THC-A Oil; Certification for Use, Dispensing.

- **Existing Law:** [Section 18.2-250.1](#), which makes it unlawful to possess marijuana, provides for an affirmative defense in the case of cannabidiol or THC-A oil if the person possessed the oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice for the treatment or to alleviate the symptoms of i) the person's intractable epilepsy, or ii) if the person is the parent or legal guardian of a minor or of an incapacitated adult, such minor's or incapacitated adult's intractable epilepsy. [Section 54.1-3408.3](#) provides that a practitioner in the course of his professional practice may issue a valid certification for the use of cannabidiol or THC-A oil for treatment or to alleviate the symptoms of intractable epilepsy and provides that no practitioner can be prosecuted for distributing cannabidiol or THC-A oil for such purpose. [Section 54.1-3442.7](#) provides that no practitioner shall dispense more than a 30-day supply of cannabidiol or THC-A oil to a patient for a 30-day period.
- **Impact of Legislation:** Amends this provisions to expand the permissible possession, use and dispensing to any diagnosed condition or disease determined by the practitioner to benefit from such use and increases the permissible amount that may be dispensed from a 30-day supply for a 30-day period to a 90-day supply for a 90-day period.

[HB 1355](#) (Hope): Minors; Alternative Facility of Temporary Detention.

- **Existing Law:** Section 16.1-340.1 pertains to the involuntary temporary detention of minors, including those in detention pursuant to an order of a juvenile and domestic relations district court. Section 16.1-340.2 pertains to the transportation of a minor subject to such a temporary detention order.
- **Impact of Legislation:** Amends [§ 16.1-340.1](#) to require that the local community services board may change the initial facility of temporary detention and designate an alternative facility for temporary detention if it is determined that the alternative facility is more appropriate for the minor. Amends [§ 16.1-340.2](#) to establish clear parameters for determining which alternative transportation provider or law

enforcement agency shall provide for the transportation of the minor to the alternative facility.

[SB 329](#) (Dunnavant): Opioids; Location of Clinics for the Treatment of Addiction in Henrico County or City of Richmond (*same as HB 155 except that it does not include the City of Newport News*).

- **Existing Law:** [Section 37.2-406](#) provides that the Commissioner of Behavioral Health and Developmental Services shall not grant an initial license to a provider of treatment for persons with opiate addiction through the use of i) methadone or ii) opioid replacements other than opioid replacements approved by the U.S. Food and Drug Administration if the provider is to be located within one half mile of a public or private licensed day care center or a public or private K-12 school.
- **Impact of Legislation:** Provides that the existing prohibition does not apply to an applicant for a license to operate in its current location as a facility to provide such treatment when the facility is located within one half mile of a public or private licensed day care center or a public or private K-12 school in Henrico County or the City of Richmond and has been licensed and operated as a facility to provide such treatment by another provider immediately prior to submission of the application for a license.

[SB 392](#) (Barker): Involuntary Commitment of a Juvenile; Notification of Parents.

- **Existing Law:** [Section 16.1-341](#) sets forth the process for the petition for the involuntary commitment of a minor. Copies of the petition and notice of hearing are required to be served upon the minor and the minor's parents.
- **Impact of Legislation:** Adds that the hearing on the petition may proceed if copies of the petition and notice of hearing have been served on at least one parent and a reasonable effort has been made to serve copies on both parents.

[SB 669](#) (Deeds): Involuntary Mental Health Treatment; Minors, Access to Firearms.

- **Existing Law:** [Section 16.1-344](#) provides for the involuntary commitment of a minor 14 years of age or older and requires the court to inform the minor of his right to be voluntarily admitted pursuant to [§ 16.1-338](#).
- **Impact of Legislation:** Provides that a person who, while a minor 14 years of age or older, is ordered to involuntary treatment or was the subject to a temporary

detention order and then agreed to voluntary admission is subject to the same restrictions on possessing, purchasing, or transporting a firearm as an adult who was similarly ordered to involuntary treatment or was the subject to a temporary detention order and agreed to voluntary admission. The person may utilize the same procedure as an adult for petitioning for the restoration of firearm rights. The bill sets forth the procedure for the submission of any involuntary treatment order or certification of voluntary admission subsequent to a temporary detention order involving a minor 14 years of age or older to the Central Criminal Records Exchange.

SEX OFFENSES & SEX OFFENDERS

[HB 511](#) (Bell, R.B.): Child Abuse or Neglect; Sex Offenders, Investigations, Reports to Law Enforcement.

- **Existing Law:** [Section 63.2-1503](#) requires the local departments of social services to notify the Commonwealth's Attorney and local law enforcement of all complaints of child abuse or neglect involving specifically listed offenses. [Section 63.2-1506](#) requires a local department of social services designated as a child protective services differential response agency to investigate specifically listed types of complaints.
- **Impact of Legislation:** Amends [§ 63.2-1503](#) to require the local department of social services to notify, within two hours of receipt of the complaint, the Commonwealth's Attorney and local law enforcement of all complaints of suspected child abuse or neglect involving a child being left alone in the same dwelling with a person i) to whom the child is not related by blood or marriage, and ii) who has been convicted of an offense against a minor for which registration is required as a violent sexual offender. The local department of social services must furnish the Commonwealth's Attorney with information possessed by the department that will help to determine whether a violation of post-release conditions, probation, parole or court order has occurred due to the nonrelative sex offender's contact with the child. The legislation also amends [§ 63.2-1506](#) to require that a local department of social services designated as a child protective services differential response agency investigate such instances.

[HB 902](#) (Freitas): Sex Offenders and Crimes Against Minors Registry; Removal of Name From Registry.

- **Existing Law:** [Section 9.1-910](#) requires that a person required to register with the Sex Offenders and Crimes Against Minors Registry who was convicted of certain crimes involving child pornography or carnal knowledge of a minor in juvenile custody wait 25 years before being able to file a petition for the removal of his name and information from the Registry.
- **Impact of Legislation:** Requires that this 25 year waiting period also applies to any similar offense under the laws of any foreign country, the U.S., or any political subdivision thereof.

[SB 725](#) (Dunnavant): Human Trafficking; Posting Hotline Information.

- **Existing Law:** Not applicable.
- **Impact of Legislation:** Creates new statutes, [§§ 32.1-34.2](#), [32.1-133.1](#), and [33.2-267.1](#), requiring each local department of health, certain types of health care facilities,

and the Department of Transportation to post notice of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a means to report crimes or gain assistance. The requirement with regard to the Department of Transportation requires the posting of the notice at all rest areas along Interstate System highways. The notice shall be posted in a place readily visible and accessible to the public and meet the requirements of [§ 40.1-11.3\(C\)](#), which specifies the required contents, size, and languages of the notice.

SOCIAL SERVICES

[HB 241](#) (Brewer): Adoption: Lowers Amount of Time Child Must Reside With Close Relative.

- **Existing Law:** [Section 63.2-1242.2](#), pertaining to close relative adoption, provides that when the child has continuously resided in the home or has been in the continuous physical custody of the prospective adoptive parent who is a close relative for less than three years, the adoption proceeding, including court approval of the home study, shall commence in the juvenile and domestic relations district court pursuant to the parental placement adoption provisions. [Section 63.2-1242.3](#), pertaining to close relative placement, provides that when the child has resided in the home or has been in the continuous physical custody of the prospective adoptive parent who is a close relative for three or more years, the parental placement provisions of this chapter shall not apply and the adoption proceeding shall commence in the circuit court.
- **Impact of Legislation:** Lowers the amount of time that the child must have continuously resided in the home or been in the continuous physical custody of the close relative from three to two years in order for the adoption proceeding to take place in circuit court and be exempt from the parental placement provisions.

[HB 262](#) (Miyares): Protective Orders; Cases of Family Abuse, Cellular Telephone Numbers or Other Electronic Device.

- **Existing Law:** [Sections 16.1-253.1](#) and [16.1-279.1](#) provide for preliminary protective orders and protective orders, respectively, in cases of family abuse. Such orders may include certain enumerated restrictions.
- **Impact of Legislation:** Adds to the enumerated restrictions that may be imposed that i) the petitioner and any family or household member of the petitioner may be granted exclusive use and possession of a cellular telephone number or electronic device, ii) the respondent may be enjoined from terminating a cellular telephone number or electronic device before the expiration of the contract, and iii) the respondent may be enjoined from using a cellular telephone or other electronic device to locate the petitioner.

[HB 437](#) (Herring): Adoption and Foster Care; Barrier Crimes, Exception.

- **Existing Law:** [Section 63.2-1721](#) provides that a child placing agency may approve as an adoptive or foster parent an applicant convicted of an offense set forth in clause (iv) of [§ 19.2-392.02](#) (possession of a controlled substance) who has had his civil rights restored and provided 10 years have elapsed following the conviction.

- **Impact of Legislation:** Adds that a child placing agency may approve as an adoptive or foster parent an applicant convicted of an offense set forth in clause (iv) of [§ 19.2-392.02](#) (possession of a controlled substance) who has had his civil rights restored provided eight years have elapsed following the conviction and the applicant i) has complied with all obligations imposed by the criminal court, ii) has completed a substance abuse treatment program, iii) has completed a drug test administered within 90 days prior to being approved and such test turned out negative, and iv) complied with any other obligations as determined by the Department of Social Services.

[HB 528](#) (James): Independent Living Arrangement; DJJ, Placement of Certain Individuals.

- **Existing Law:** The definitions of “independent living,” “independent living arrangement,” and “independent living services,” set forth in [§§ 16.1-228](#) and [63.2-100](#), did not include individuals placed by DJJ into DSS-licensed independent living arrangement facilities. Just as these programs help to transition former foster care individuals to self-sufficiency by providing them with valuable skills and tools needed to live independently, they similarly help individuals being released from direct care with DJJ transition to self-sufficiency. As a result of the limitations placed on these terms, however, DSS was not authorized to monitor the individuals placed by DJJ while monitoring their DSS-placed counterparts.
- **Impact of Legislation:** The definitions now include youth of at least 16 years of age and individuals between the ages of 18 and 21 who were committed to DJJ immediately prior to placement in an independent living arrangement. As a result, the ability to place DJJ youth in independent living arrangements has been codified and the treatment of DJJ-placed youth may now be monitored by DSS case workers visiting the facilities to monitor their DSS-placed counterparts.

STATE & LOCAL ADMINISTRATION OF GOVERNMENT

[HB 135](#) (Bell, J.) / [SB 109](#) (Black): Dissemination of Juvenile Record Information; Emergency Medical Services Agency Applicants.

- **Existing Law:** [Section 19.2-389.1](#) allows for the dissemination of juvenile record information to several entities for specified purposes, including the State Police or a police department or sheriff's office for the purpose of screening any person for full-time or part-time employment with the State Police or a police department or sheriff's office that is a part of, or administered by, the Commonwealth or any political subdivision thereof.
- **Impact of Legislation:** Amends [§ 19.2-389.1](#) to allow for the dissemination of juvenile record information maintained in the Central Criminal Records Exchange (CCRE) to:
 1. The State Health Commissioner or his/her designee for the purpose of screening any person who applies to be a volunteer with, or an employee of, an emergency medical services agency as provided in [§ 32.1-111.5](#); and
 2. The chief law-enforcement officer located of a locality that has adopted an ordinance in accordance with [§§ 15.2-1503.1](#) and [19.2-389](#) for the purpose of screening any person who applies to be a volunteer with, or an employee of, an emergency medical services agency.

[HB 212](#) (Wright) / [SB 124](#) (Black): Conflict of Interests Act, State and Local Government; School Boards and School Board Employees.

- **Existing Law:** [Section 2.2-3119](#) makes it unlawful for a school board to employ any teacher or other school board employee, or for the superintendent to recommend to the school board the employment of any teacher or other employee, if the teacher or other employee is the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law of the superintendent, or of any member of the school board. The section contains an exception to this prohibition for the employment of any such person if i) the related school board member certifies that he had no involvement with the hiring decision, and ii) the superintendent certifies to the remaining members of the governing body in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member of the board had any involvement with the hiring decision. This exemption, however, applied only to school districts located in specifically listed Planning Districts.
- **Impact of Legislation:** Amends [§ 2.2-3119](#) to apply the exemption to all school districts.

[HB 228 \(Cole\): Virginia Public Records Act; Records Retained in Electronic Medium.](#)

- **Existing Law:** Not applicable.
- **Impact of Legislation:** Adds a new section, [§ 42.1-86.01](#), within the Virginia Public Records Act, which provides that, notwithstanding any provision of law requiring a public record to be kept in a tangible medium, any agency may retain a public record in an electronic medium so long as it remains accessible for the duration of its retention schedule and meets all other requirements of the Virginia Public Records Act.

[HB 297 \(Bulova\): Administrative Process Act; Exempts Certain Guidance Documents from Act.](#)

- **Existing Law:** Chapter 40 sets forth the Administrative Process Act.
- **Impact of Legislation:** Exempts “guidance documents” from the requirements of the Act. The agency must certify that the document conforms to the definition of “guidance document.” The guidance document shall be published in the Virginia Register of Regulations and the Regulatory Town Hall and be subjected to a 30-day public comment period. If a comment is received asserting that the document should not be exempted as a guidance document, the effective date of the guidance document shall be delayed by an additional 30 day period, during which the agency shall respond to the assertion. There is a delayed effective date of January 1, 2019.

[HB 780 \(Habeeb\) / SB 564 \(Obenshain\): Nonconfidential Court Records; Clerk of Court Shall Make Records Available to Public Upon Request.](#)

- **Existing Law:** Not applicable.
- **Impact of Legislation:** Creates a new statute, [§ 16.1-69.54:1](#), pertaining to general district courts, and makes amendments to [§ 17.1-208](#), pertaining to the inspection and copying of circuit court records, to provide that the court clerk or the Executive Secretary of the Supreme Court shall make nonconfidential court records or reports of aggregated, nonconfidential case data available to the public upon request, and within 30 days of such request, and the requestor may be charged a fee not to exceed the actual cost incurred in making the requested records available. The legislation also amends [§ 17.2-292](#) to create a definition for “confidential court records” and “nonconfidential court records.” “Confidential court records” is defined to mean court records maintained by a clerk of a court of record or a court not of record and recognized as confidential under any applicable law or sealed pursuant to court order. “Nonconfidential court records” is defined to mean all court records except

those court records that are confidential court records. Lastly, a new [§ 17.1-293.1](#) is created, to become effective July 1, 2019, to provide that the Executive Secretary of the Supreme Court shall make available a publically viewable online case information system of certain nonconfidential information entered into the case management system for criminal cases in the circuit courts participating in the Executive Secretary's case management system and in the general district courts. Such system shall be searchable by defendant name across all participating courts, and search results shall be viewable free of charge.

[HB 883](#) (Webert) / [SB 20](#) (Chase): Regulatory Reduction Pilot Program; Department of Planning and Budget to Implement, Report.

- **Existing Law:** Not applicable.
- **Impact of Legislation:** Provides for a three year regulatory reduction pilot program to be directed by the Department of Planning and Budget and aimed at reducing by 25% the regulations and regulatory requirements of the Department of Professional and Occupational Regulation and the Department of Criminal Justice Services. It also directs all executive branch agencies subject to the Administrative Process Act to develop a baseline regulatory catalog and report such catalog data to the Department of Planning and Budget by July 1, 2020, which shall then track and report on the extent to which agencies comply with existing requirements to periodically review all regulations every four years.

[HB 906](#) (Robinson): Virginia Freedom of Information Act; Clarifies the Definition of Electronic Communication.

- **Existing Law:** [Section 2.2-3701](#) sets forth definitions as used in the Virginia Freedom of Information Act.
- **Impact of Legislation:** Defines "electronic communication" to mean the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

[HB 907](#) (Robinson): Virginia Freedom of Information Act; Meetings Held by Electronic Communication Means.

- **Existing Law:** [Section 2.2-3708](#) of the Virginia Freedom of Information Act provides for an exception to the Act's prohibition against conducting a meeting wherein public business is discussed or transacted through telephonic, video, electronic or other communication means where the members are not physically assembled. The exception allows for meetings to be conducted through electronic communication

means if i) a quorum of the public body is physically assembled at one primary or central meeting location, ii) notice of the meeting has been given three days in advance, and iii) the remote locations, from which additional members of the public body participate through electronic communication means, are open to the public. The statute also creates an exception for meetings by electronic communication means, even without a quorum physically assembled at one location, when the Governor has declared a state of emergency, provided i) the nature of the emergency makes it impracticable to assemble a quorum in a single location, and ii) the purpose of the meeting is to discuss the emergency. Section 2.2-3708.1 permits a specific member of a public body to participate through electronic communication means from a remote location that is not open to the public if the member is unable to attend i) due to an expressed personal matter, or ii) due to a temporary or permanent disability or a medical condition that prevents physical attendance. Both statutes set forth the process to be followed in the implementation of these exceptions.

- **Impact of Legislation:** Combines the provisions of [§§ 2.2-3708](#) and [2.2-3708.1](#) into a new, single statute, [§ 2.2-3708.2](#).

[HB 908](#) (Robinson): Virginia Freedom of Information Act; Meetings Held by Electronic Communication Means.

- **Existing Law:** [Section 2.2-3708](#) of the Virginia Freedom of Information Act provides for an exception to the Act's prohibition against conducting a meeting wherein public business is discussed or transacted through telephonic, video, electronic or other communication means where the members are not physically assembled. The exception allows for meetings to be conducted through electronic communication means if, among other requirements, the remote locations, from which additional members of the public body participate through electronic communication means, are open to the public.
- **Impact of Legislation:** Amends the provisions of [§2.2-3708](#), (which was repealed by [HB 907](#) and the provisions contained therein relocated to [§ 2.2-3708.2](#)) to remove the requirement that the remote locations from which members of a public body participate in a meeting through electronic communication means be open to the public and, instead, provides that the members of the public be provided with an electronic communication means substantially equivalent to that provided to the members of the public body through which the public may witness the meeting. Notice shall identify the primary meeting location and any remote locations that are open to the public and shall include notice as to the electronic communication means by which members of the public may witness the meeting. Public access to the remote locations from which additional members of the public body participate through electronic communication means shall be encouraged but not required. However, if three or more members are gathered at the same remote location, then that remote location shall be open to the public. All persons attending the meeting at any of the

remote locations shall be afforded the same opportunity to address the public body as persons attending at the primary location.

[HB 909](#) (Robinson): Virginia Freedom of Information Act; Disclosure of Law Enforcement and Criminal Records.

- **Existing Law:** [Section 2.2-3706](#) of the Virginia Freedom of Information Act, which pertains to the disclosure of law enforcement and criminal records, provides that those portions of noncriminal incident or other noncriminal investigative reports or materials that contain identifying information of a personal, medical, or financial nature may be withheld where the release of such information would jeopardize the safety or privacy of any person.
- **Impact of Legislation:** Restricts the discretionary exemption that allows portions of noncriminal incident or other noncriminal investigative reports or materials that contain identifying information of a personal, medical, or financial nature to be withheld where the release of such information would jeopardize the safety or privacy of any person to those public bodies engaged in i) emergency medical services, ii) fire protection services, iii) criminal law enforcement activities, or iv) processing calls for service or other communications to an emergency 911 system or any other equivalent reporting system.

[HB 990](#) (Gilbert) / [SB 298](#) (Norment): Virginia Conflict of Interest and Ethics Advisory Council; Deadline Extensions.

- **Existing Law:** [Section 30-356.2](#) provides that any person required to file the disclosure form prescribed in the State and Local Government Conflict of Interest Act and the General Assembly Conflicts of Interests Act as well as [§ 2.2-418](#) et. seq. (lobbying laws) shall be entitled to an extension for good cause shown. Good cause shown shall include i) the death of a relative, ii) a state of emergency declared by the Governor or the President and such emergency interferes with the timely filing of the disclosure forms, iii) the filer is on active duty, on the date of the filing deadline, as a member of the uniformed service of the United States, or iv) a failure of the electronic filing system and the failure of such system prevents the timely filing of the disclosure forms.
- **Impact of Legislation:** Amends [§ 30-356.2](#) to add that the deadline extension provision does not apply to any statement of economic interests filed as a requirement of candidacy pursuant to [§ 24.2-502](#).

[HB 992](#) (Gilbert): Conflict of Interests Act, State and Local Government; Disclosure Statements, Multiple Positions.

- **Existing Law:** [Section 2.2-3118.1](#) of the State and Local Government Conflict of Interests Act pertains to the filing requirements of the statement of economic interests by persons serving in or seeking multiple positions or reappointments.
- **Impact of Legislation:** Amends [§ 2.2-3118.1](#) to provide that the filing of a single current statement of economic interests shall suffice for all positions or offices held or sought by an individual during the course of a calendar year. Further, any person who has met the requirement for annually filing the statement of economic interests shall not be required to file an additional statement upon such person's reappointment to the same office or position for which he is required to file, provided such reappointment occurs within 12 months after filing the annual statement.

[HB 1277](#) (Garrett): Government Data Collection and Dissemination Practices Act; Sharing and Dissemination of Data.

- **Existing Law:** [Section 2.2-3803\(A\)\(2\)](#) of the Government Data Collection and Dissemination Practices Act provides that any agency maintaining an information system that includes personal information shall collect information to the greatest extent feasible from the data subject directly.
- **Impact of Legislation:** Amends [§ 2.2-3803\(A\)\(2\)](#) to provide that the agency may also collect information through the sharing of data with other agencies, in order to accomplish a "proper purpose" of the agency. [Section 2.2-3801](#) of the Act is then amended to add a definition for "proper purpose," which is defined to include the sharing or dissemination of data or information among and between agencies in order to (i) streamline administrative processes to improve the efficiency and efficacy of services, access to services, eligibility determination for services, and service delivery, (ii) reduce paperwork and administrative burdens on applicants for and recipients of public services, (iii) improve the efficiency and efficacy of the management of public programs, (iv) develop quantifiable data to aid in policy development and decision making to promote the most efficient and effective use of resources, and (vii) perform data analytics regarding any of the purposes set forth in this definition.

[HB 1418](#) (Tyler) / [SB 851](#) (Marsden): Correctional Officer Procedural Guarantee Act; Created.

- **Existing Law:** Not applicable.

- **Impact of Legislation:** Establishes the Correctional Officer Procedural Guarantee Act for the protection of correctional officers *of the Department of Corrections*. The Act provides specific requirements for the conduct of investigations that could lead to the dismissal, demotion, suspension, or transfer of a correctional officer for punitive reasons and provides a correctional officer who is dismissed, demoted, suspended without pay or transferred for punitive reasons with the opportunity for a hearing. The hearing shall be before a panel authorized to make advisory recommendations that shall be accorded significant weight.

[HB 1599](#) (Landes): Criminal Justice Services, Department of; definitions of law-enforcement officer.

- **Existing Law:** Pursuant to [§ 66-3\(A\)\(7\)](#), the Director of the Department of Juvenile Justice is authorized to designate employees with internal investigations authority to have the same power as a sheriff or law enforcement officer in the investigation of allegations of criminal behavior affecting the operations of the Department. Because these investigators were not also included in the definition of “law enforcement officer,” set forth in [§ 9.1-101](#), magistrates from some jurisdictions refused to issue them warrants. Further, the Office of the Attorney General recently concluded that since they were not included in the definition of “law enforcement officer,” they could not be included in the certified law enforcement officer database maintained by the Department of Criminal Justice Services. As a result, DCJS would have had to de-certify them and purge them from the database. This would have limited the investigative authority of DJJ investigators such as the ability to swear out arrest and search warrants, thereby impacting DJJ’s ability to quickly address immediate threats and investigations.
 - DJJ has 11 internal investigators. In F17, DJJ investigated 386 cases involving allegations against staff and residents.
- **Impact of Legislation:** The definition of law enforcement officer has been amended to include DJJ internal investigators designated by the Director under [§ 66-3\(A\)\(7\)](#).
 - The legislation excludes these investigators from the Line of Duty Act.

[SB 512](#) (Suetterlein): Student Addresses, Telephone Numbers, and Email Addresses.

- **Existing Law:** [Section 2.2-3705.4](#) of the Virginia Freedom of Information Act sets forth specific exclusions from the Act for certain educational records.

- **Impact of Legislation:** Requires an exclusion for the address, phone number, or email address of a student without written consent of the student or legal guardian. (Note: HB 1 achieves the same result via an amendment to [§ 22.1-287](#)).

STUDIES

[HB 1230](#) (Hayes): Juvenile Justice, State Board of; Minimum Standards and Policies for Suicide Watch.

- The legislation sought to direct the State Board of Juvenile Justice to promulgate regulations to include standards for a suicide watch instrument involving the transportation of juvenile offenders to and from correctional facilities, DJJ facilities, local and regional jails, state and local pretrial and community-based probation service agencies, privately managed and operated local or regional detention homes or other secure facilities, and other juvenile detention facilities.
- The bill was tabled in the House Militia, Police and Public Safety Committee which determined to refer legislation seeking regulations, or that might result in regulations, to the appropriate agency for a review as to the necessity and potential effectiveness of any such possible regulations.

[HB 984](#) (Yancey): Prostitution; Minors.

- The legislation sought to amend [§ 18.2-346](#) to address juvenile prostitution. Currently, under [§ 18.2-346](#), it is a Class 1 misdemeanor for any person to engage in prostitution. The bill sought to provide that, in a delinquency proceeding involving prostitution and against a juvenile where the juvenile expresses a “willingness to participate in specialized services for those engaged in commercial sexual conduct,” the court could continue the case and notify the Department of Social Services of the next hearing date. During the period of this continuance, a child in need of services (CHINS) petition could then be filed pursuant to [§ 16.1-260](#). If 1) a CHINS petition is so filed, and 2) the court finds that the juvenile is “willing” to participate in the specialized services, the court could then proceed to order the specialized services, in which case the delinquency petition must be dismissed.
- The bill would have impacted only those juveniles against whom a delinquency petition has been filed based upon [§ 18.2-346\(A\)](#). Over the past three years, only a handful of juvenile intake petitions were filed for a violation of [§ 18.2-346](#) and, in FY 2017, there were 0 petitioned intakes. Under the proposal as well as under current law, the court already can order services for the juvenile, including those enumerated in the bill such as specialized housing, case management, integrated mental health and substance abuse treatment, and educational assistance.
- This bill has been referred for study to the Virginia State Crime Commission which has decided to broaden the study to “Sexual Exploitation / Sex Trafficking in Virginia.” DJJ is rendering legal and data assistance to the Commission.

[HB 962](#) (Yancey): Prostitution; Expungement of Convictions.

- The legislation sought to allow for the expungement of convictions for prostitution when the person was induced to engage in prostitution through the use of force, intimidation, or deception by another.
- This bill has been referred for study to the Virginia State Crime Commission, which has decided to broaden the study to “Sexual Exploitation / Sex Trafficking in Virginia.” DJJ is rendering legal and data assistance to the Commission.