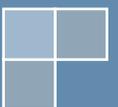


2012

DEPARTMENT OF JUVENILE JUSTICE

Legislative Training Manual

The Department of Juvenile Justice (Department) monitors all legislation as it is introduced during each General Assembly session to determine which bills relate to matters within the Department's jurisdiction and responsibility. The Legislative Training Manual provides information on amended statutes and legislation enacted in the 2012 General Assembly session.



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BARRIER CRIMES

HB 971 (Delegate Bell) - Expansion of Barrier Crimes

Summary:

HB 971 amends §§ **32.1-126.01**, **32.1-162.9:1**, **37.2-314**, **37.2-408.1**, **63.2-1719**, and **63.2-1726** of the Code of Virginia. The legislation expands the definition of barrier crimes to include the following convictions:

1. A felony violation of a protective order as set out in §§ **16.1-253.2** and **18.2-60.4**;
2. Abduction as set out in subsection B of §**18.2-47**; and
3. Extortion by threat as set out in § **18.2-59**.

The legislation prohibits the hiring of individuals and utilizing volunteers with the above listed barrier crimes at the following facilities and agencies:

1. Licensed, unlicensed, and license-exempt child daycare centers;
2. Licensed nursing home;
3. Adult day care centers;
4. Home care, home health, and hospice organizations;
5. Foster or adoptive parents with child-placing agencies;
6. Mental health and substance abuse providers employed by the Department of Behavioral Health and Developmental Services; and
7. Children's residential facilities regulated by the Departments of Social Services, Behavioral Health and Developmental Services, Military Affairs, and Education.

Existing Law:

- Barrier crimes are specific criminal convictions that disqualify a person from providing direct consumer care to a designated vulnerable population. A "direct consumer care provider" is anyone responsible for the treatment, case management, health, safety, or well being of a consumer. "Vulnerable populations" are people who are generally unable to protect themselves from harm, such as children, the elderly, persons with physical disabilities, and persons receiving mental health or substance abuse treatment. Barrier crimes laws were enacted to protect vulnerable people from potential harm by ensuring that those employed as their caregivers have not previously demonstrated behaviors that were dangerous or harmful to other people.
- The applicable statutes define and list barrier crimes and set forth the requirements for background checks to be conducted on employees of licensed nursing home and home care as well as adult and children's residential and non-residential facilities. The Code restricts agencies listed from hiring or maintaining in its employment individuals convicted of the listed barrier crimes unless a statutory exception applies.

Examples of Existing Barrier Crimes:

- Abduction
- Abduction for Immoral Purposes
- Abuse and Neglect of Children

- Abuse and Neglect of Incapacitated Adults
- Aggressive Use of a Machine Gun
- Any Equivalent Offense in Another State
- Arson
- Assaults and Bodily Wounding
- Carjacking
- Crimes against Nature Involving Children
- Delivery of Drugs to Prisoners
- Electronic Facilitation of Pornography
- Escape From Jail
- Felonies Committed by Prisoners
- Felony Stalking
- Incest
- Malicious Wounding by Mob
- Murder or Manslaughter
- Obscenity Offenses
- Pandering
- Possession of Child Pornography
- Robbery
- Sexual Assault
- Taking Indecent Liberties with Children
- Threats of Death or Bodily Injury
- Use of Machine Gun in Violent Crime
- Using Sawed-off Shotgun in Violent Crime

Changes Effective July 1, 2012:

§ **63.2-1719** expands the social services definition of the term “barrier crime” to include:

- A conviction of a felony violation of a protective order as set out in § **16.1-253.2**.
 - Any person convicted of a third or subsequent offense of violating a protective order, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence.
 - If the respondent commits an assault and battery upon any party protected by the protective order, resulting in serious bodily injury to the party.
 - Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives.
- A conviction for a felony violation of a protective order as set out in § **18.2-60.4**.
 - Any person who violates any provision of a protective order who is convicted of a third or subsequent offense of violating a protective order, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence.
 - If the respondent commits an assault and battery upon any party protected by the protective order resulting in serious bodily injury to the party.

- Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives.
- A conviction of abduction by force for forced labor as set out in subsection B of § **18.2-47**; the original language only included subsection A, which addresses abduction generally.
 - Any person who, by force, intimidation, or deception, and without legal justification or excuse, seizes, takes, transports, detains, or secretes another person with the intent to subject him to forced labor or services shall be deemed guilty of "abduction."
- A conviction of extortion by threat as set out in § **18.2-59**.
 - Any person who (i) threatens injury to the character, person, or property of another person, (ii) accuses him of any offense, (iii) threatens to report him as being illegally present in the United States, or (iv) knowingly destroys, conceals, removes, confiscates, withholds or threatens to withhold, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person, and thereby extorts money, property, or pecuniary benefit or any note, bond, or other evidence of debt from him or any other person.
- A conviction of a felony violation of a protective order as set out in § **16.1-253.2** and § **18.2-60.4**, abduction by force for forced labor as set out in § **18.2-47**, and extortion by threat as set out in § **18.2-59**, were added to the list of barrier crimes for each of the following agencies and prohibits the agencies from hiring individuals or maintaining in its employment individuals with the above listed charges:
 - Licensed, unlicensed, and license-exempt child daycare centers;
 - Licensed nursing home;
 - Adult day care centers;
 - Home care, home health, and hospice organizations;
 - Foster or adoptive parents with child-placing agencies;
 - Mental health and substance abuse providers employed by the Department of Behavioral Health and Developmental Services; and
 - Children's residential facilities regulated by the Departments of Social Services, Behavioral Health and Developmental Services, Military Affairs, and Education.

BOARD OF JUVENILE JUSTICE

HB 1104 (Delegate Greason) and SB 411 (Senator Norment) - Eliminates Powers and Duties of the State Board of Juvenile Justice

Summary:

HB 1104 and **SB 411** consolidate and eliminate powers and duties of the Virginia Fire Services Board and the State Board of Juvenile Justice (Board). The bill amends several code sections, but the amended code sections related to the Board include §§ **16.1-235.1**, **16.1-238**, **16.1-240**, **16.1-274**, **16.1-275**, **66-10**, and **66-23** of the Code of Virginia. Sections **2.2-223** and **66-11** of the Code of Virginia are repealed.

Existing Law:

- § **16.1-235.1** requires the arrangements made by a chief judge to obtain a replacement intake officer from another court service unit conform to policy established by the State Board.
- § **16.1-238** requires that the compensation of probation officers and other court service staff comply with minimum standards determined by the State Board. (There are no Board policies or regulations addressing compensation of probation officers.)
- § **16.1-240** requires that a member of the Citizen's council, who is also serving on a central advisory council, consults with the Department Director to assist in carrying out the objectives of the court service unit program. It requires the Department pay the travel expenses of members of county and city advisory councils.
- § **16.1-274** requires supervised visitation, investigation, and mediation fee schedules be established by the Board of Social Services, the Board, and the court service unit.
- § **16.1-275** requires the Department to pay for physical and mental examinations according to the standards, procedures, and rates adopted by the State Board and the Department.
- § **66-10** describes the powers and duties of the Board. The Board is required to develop and establish programmatic and fiscal policies governing the operation of Department programs and facilities; develop and implement a long-range youth services policy; review and comment on all applications for federal funds, budgets, and requests for appropriations prior to the submission to the Governor; advise the Governor, Director, and the General Assembly on matters relating to youth services; promulgate regulations necessary to carry out the provisions of the title with the ability to adopt Board of Corrections' regulations and standards as appropriate without going through the regulatory process.
- § **66-23** requires the Department facilities to comply with regulations established by the Board relating to authorization of a juvenile applying for a driver's license and issuance of employment certificates. (There are no regulations addressing the Board's authority to consent to application for a driver's license or the issuance of an employment certificate.)
- § **2.2-223** requires the Secretary of Public Safety to establish an Interagency Drug Offender Screening Assessment Committee to oversee drug screening, assessment, and treatment for defendants convicted in criminal court. The directors of various state

agencies, including the Director of the Department, are required to serve on the committee.

- § **66-11** requires any real estate used as a juvenile institution or residential facility formally owned by the Board of Corrections or the Department of Corrections be transferred to the Board on July 1, 1990. The code section also gives the Board the authority to name facilities established and operated by the Department.

Changes Effective July 1, 2012:

- **Replacement Intake Officers:** § **16.1-235.1** removes the requirement for the Board to establish a policy governing the arrangements made by a chief judge to obtain a replacement intake officer from another court service unit.
 - *Not Changed:* The statute continues to allow for arranging for replacement intake officers.
- **Probation Officer Compensation Rates:** § **16.1-238** removes the requirement that compensation of probation officers and other court service staff comply with minimum standards determined by the State Board.
- **Citizen Advisory Councils:** § **16.1-240** removes the requirements:
 - For a state advisory council and that a member of the citizen's council serves on a central advisory council to consult with the Director of the Department.
 - That the Board set the rates for reimbursement of travel expenses of members of county and city advisory councils.
 - *Not Changed:* The statute continues to allow localities to establish citizen advisory councils.
- **Custody Investigations Fee Schedules:** § **16.1-274** removes the requirement for the Board, with the Board of Social Services, to set fee schedules for custody investigations.
 - The statute now requires supervised visitation, investigations, and mediation fee schedules be established by the Board of Social Services.
- **Psychological Examinations Fee Schedules:** § **16.1-275** removes the requirement that the Board establish fee schedules for the Department's payment for physical and mental examinations when the parent or other person responsible for payment is financially unable to pay the costs of an examination. Payment for physical and mental examinations will be paid according to procedures and rates adopted by the Department.
- **General Duties of the Board:** § **66-10** describes the amended power and duties of the Board, including establishing and monitoring policies governing the operation of Department programs and facilities, as follows:
 - *Implementing Policy:* The Board will have the authority to develop but no longer "implement" a long-range youth services policy;
 - *Developing Fiscal Policies:* The Board will not have the authority to develop fiscal policies;
 - *Advising the General Assembly:* The Board will have the authority to advise the Governor and the Director but not the General Assembly on matters relating to youth services;
 - *Comment on Fiscal Operations:* The Board will not have the authority to comment on applications for federal funds, budgets, and requests for appropriations.

- *Adopt Department of Corrections' Regulations:* The Board no longer has the ability to adopt Board of Corrections' regulations without going through the regulatory process.
- Regulations for Obtaining Juvenile Licenses and Employment Certificates: § **66-23** eliminates the requirement for Department facilities to comply with regulations established by the Board relating to authorization of a juvenile applying for a driver's license or issuance of an employment certificate.
- Repealed Code Sections:
 - *Drug Offender Screening Committee:* § **2.2-223** eliminates the Interagency Drug Offender Screening Assessment Committee.
 - *Rights and Interest in Real Property:* § **66-11** removes the Board's authority relating to the Board's interest in real property and authority to name facilities established and operated by the Department.

Comments:

These bills were part of the Secretary of Public Safety's government reform initiatives. The bills were modeled after similar legislation that passed the 2010 General Assembly session relating to the Board of Corrections.

CONFIDENTIALITY

HB 391 (Delegate Gilbert) and SB 476 (Senator Garrett) - The Department of Juvenile Justice May Share Confidential Juvenile Records with Correctional Facilities

Summary:

HB 391 and **SB 476** amend § **16.1-300** of the Code of Virginia. The legislation allows the Department to share the social, medical, psychiatric, and psychological reports and records of juveniles with an adult correctional facility when the juvenile subject of the records is subsequently convicted as an adult and serving a period of incarceration in a state or local correctional facility.

Existing Law:

- Section 16.1-300 provides that all Department records (and other agency records relating to court-involved juveniles) are confidential unless a specific exception is provided for in the Code of Virginia.
- There are thirteen subsections listing instances wherein the confidential juvenile records and information may be made available for inspection.

Changes Effective July 1, 2012:

- Exception to Confidentiality: Adds state and local correctional facilities when the facility has custody or is providing supervision for a person convicted as an adult who is the subject of the reports and records.

- Attaching Confidentiality Requirement: Requires the reports and records remain confidential, and the information may be shared only for the purposes of § 16.1-300 of the Code of Virginia.

Comments:

These bills were a recommendation of the Governor's Re-entry Council in order to avoid the provision of duplicate assessments and services in juvenile and adult facilities.

HB 1152 (Delegate Massie) - Criminal History and Health Records Disseminated to Private College and University Threat Assessment Teams

Summary:

HB 1152 amends §§ **19.2-389**, **19.2-389.1**, and **32.1-127.1:03** of the Code of Virginia. The legislation authorizes threat assessment teams established by private nonprofit institutions of higher education to receive health and criminal history records of students for the purposes of assessment and intervention and adds language prohibiting the disclosure of any adult or juvenile criminal record information beyond the purpose of the threat assessment team. This bill addresses law enforcement and health records (not juvenile justice or juvenile court records).

Existing Law:

- § **19.2-389** lists to whom and under what circumstances the criminal record of an adult may be disseminated. Current law authorizes the dissemination of criminal records to threat assessment teams at **public** universities and institutions of higher learning.
- § **19.2-389.1** lists to whom and under what circumstances confidential juvenile record information may be disseminated. Current law authorizes the dissemination of juvenile records to threat assessment teams at **public** universities and institutions of higher learning.
- § **32.1-127.1:03** lists to whom and under what circumstances health records may be disseminated. Current law authorizes the dissemination of health records to threat assessment teams at **public** universities and institutions of higher learning.

Changed Effective July 1, 2012:

- Sharing of Criminal History Records: § **19.2-389** authorizes threat assessment teams established by **private** institutions of higher education to receive adult criminal history records of students for the purposes of assessment and intervention and adds language prohibiting the disclosure of any adult record information beyond the purpose of the threat assessment team. This is an extension of the existing law which only allows the sharing of these records with public colleges and universities.
- Sharing of Law Enforcement's Juvenile Records: § **19.2-389.1** authorizes threat assessment teams established by **private** institutions of higher education to receive juvenile record information of students for the purposes of assessment and intervention and adds language prohibiting the disclosure of any juvenile record information beyond the purpose of the threat assessment team. This is an extension of the existing law which only allows the sharing of these records with public colleges and universities.
- Sharing of Health Records: § **32.1-127.1:03** authorizes the dissemination of health records to threat assessment teams at **private** universities and institutions of higher

learning. This is an extension of the existing law which only allows the sharing of these records with public colleges and universities.

EDUCATION

HB 96 (Delegate Wilt) - Delayed Implementation of Regulations and Statutes Affecting the Accreditation of Schools

Summary:

HB 96 amends **§ 1 of Chapter 463** of the Acts of Assembly of 2009, as amended by Chapters **398 and 604** of the Acts of Assembly of 2010 and **Chapters 391 and 411** of the Acts of Assembly of 2011, relating to the delayed implementation of certain regulations and state statutes addressing the implementation of an Academic and Career Plan setting certain requirements for the accreditation of schools.

Existing Law:

- Delays the effective date to **July 2012** of any statute or regulation relating to additional requirements affecting the accreditation rating of schools in the Commonwealth pursuant to **§ 22.1-253.13:3** of the Code of Virginia beyond those already in effect on July 1, 2008.

Changes Effective July 1, 2012:

- Additional Year Extension to Required Implementation: Amends the language to delay the effective date to **July 2013** of any statute or regulation related to the implementation of an Academic and Career Plan which outlines additional requirements that effect the accreditation rating of schools in the Commonwealth pursuant to **§ 22.1-253.13:3** of the Code of Virginia beyond those already in effect on July 1, 2008 (unless the statute or regulation is specifically required by federal code, federal regulation, or court action).

HB 367 (Delegate McClellan) The Department of Education Shall Annually Publish Disciplinary, Offense, and Outcome Data by Race, Ethnicity, Gender, and Disability

Summary:

The Department of Education is required to publish disciplinary, offense, and outcome data by race, ethnicity, gender, and disability.

Current Policy of the Department of Education:

- The Department of Education currently publishes an annual report of discipline, crime, and violence data which is available on the Safe Schools Information Resource (SSRI) website. This information is not broken down by race, ethnicity, gender, and disability.

Changes Effective July 1, 2012:

- Demographic Information to be Provided in the Annual Disciplinary Action Report: **Chapter 727 § 1.** An Act to require the Department of Education to annually publish disciplinary, offense, and outcome data by race, ethnicity, gender, and disability for each

public school in the Commonwealth on its website. The data shall be published in a manner that protects the identities of individual students. Thus, the Department of Education's annual report will include more detailed demographic information of students who are subject to disciplinary reports.

HB 852 (Delegate Yost) and SB 375 (Senator Barker) - Student Records

Summary:

HB 852 and **SB 375** amend § **23-2.1:3** of the Code of Virginia. Students are required to provide complete student records to public and private institutions of higher education.

Existing Law:

- Allows public and private institutions of higher education to require that any student accepted to and who has committed to attend, or is attending, such institution provide, to the extent available, from any originating school a complete student record, including any mental health records held by the school.

Changes Effective July 1, 2012:

- Clarification of "School": Specifies that the complete student record should come from the originating "secondary" school. Thus the college or university no longer has the authority to request records from elementary, middle, or primary schools.
- Extension to Other Colleges and University Records: Allows the higher education institutions to require a student who has committed to attend or is attending to provide available records from any institution of higher education he or she has attended.

HB 1188 (Delegate Watts) and SB 259 (Senator Ebbin) - Combats Human Trafficking by Requiring Schools to Provide Awareness Training

Summary:

HB 1188 and **SB 259** add § **22.1-16.5** to the Code of Virginia. The legislation requires the Board of Education and the Department of Social Services to address issues of child trafficking.

Current Department of Education Policy:

- The Department or Board of Education do not have a policy or training materials relating to the prevention of human trafficking of children.

Changes Effective July 1, 2012:

- Development of Training Materials on Human Trafficking: The bills add § **22.1-16.5** to the Code of Virginia to require the Board of Education to provide awareness training materials for local school division staff on human trafficking. The training materials shall be developed in collaboration with the Department of Social Services and must include strategies for the prevention of the trafficking of children.
- Provision of Information on Human Trafficking: Add § **63.2-214.3** to the Code of Virginia to require the Department of Education to provide to the Board of Education (i) resource information on human trafficking including how to prevent this occurrence and (ii) materials for distribution that describe resources to which students, school personnel,

and parents may refer for information on human trafficking, including prevention strategies. The Department of Education shall collaborate with experts in the field of human trafficking prevention prior to providing information to the Board of Education.

HB 424 (Delegate Bulova) - Self Authentication of School Records

Summary:

HB 424 amends § **8.01-390.1** to provide that school records are admissible in any matter where such records are material and otherwise admissible, provided that they are authenticated as true and accurate copies by the custodian of the records.

Existing Law:

- Allows for the authentication of copies of school records relating to attendance, transcripts, or grades for the **sole purpose of or matters involving the custody of a minor or the termination of parental rights of a minor's parents** by the custodian of the records or by the person to whom the custodian reports if they are different individuals.

Changes Effective July 1, 2012:

- Extension of Self Authentication to Any School Records: Allows copies of any school records (not limited to records relating to attendance, transcripts, or grades) that are material and admissible to be authenticated by the custodian of the records, or by the person to whom the custodian reports if they are different.
- Extension of Self Authentication to Any Matter: **Removes the restrictions** on the type of proceedings (not limited to custody and termination of parental rights cases) for which school records can be authenticated.

HB 577 (Delegate Bell) - Child Abuse and Neglect Background Checks for Teachers Working as Instructors for Online Courses

Summary:

HB 577 amends §§ **22.1-212.26** and **23-299.8** of the Code of Virginia. Teachers of online school courses and teachers working as instructors for college partnership laboratory schools must have a social services abuse and neglect background check.

Existing Law:

- As a condition of employment requiring direct contact with students, teachers and administrators are required to undergo background checks (criminal history and child protective services registry checks).
- Teachers and administrators of online courses and virtual programs and teachers working as instructors for college partnership laboratory schools are required to report convictions of certain crimes pursuant to § **22.1-296.1** and to submit fingerprints pursuant to § **22.1-296.2**. This section of the Code does not cross-reference the requirement for direct contact teachers to complete a check for founded complaints of child abuse or neglect in the child abuse registry.

Changes Effective July 1, 2012:

- Clarification that CPS Checks are Required for Online Teachers: Teachers of online school courses and teachers working as instructors for online courses in higher education must provide written consent and the necessary personal information for the school board to obtain the results of a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services. Teachers continue to be required to report convictions of certain crimes and to submit fingerprints.

HB 642 (Delegate Stolle) and SB 514 (Senator Wagner) - Require the Board of Education to Adopt Regulations that Adjust the Formula for Calculating High School Accreditation

Summary:

HB 642 and **SB 514** require the Board of Education to adopt regulations that adjust the formula for calculating the high school accreditation by adding points for students obtaining industry certifications, state licensure, or occupational credentials. The additional points may only improve the accreditation status of a school and may not be used to obtain or deny accreditation.

Changes Effective July 1, 2012:

- Regulations for Calculating High School Accreditation: Requires the Board of Education to adopt regulations adjusting the formula for calculating the final high school accreditation status. It requires the regulation to provide, for schools having met minimal accreditation requirements, a minimum numerical value of three points to be added to the completion index total points calculation for each student obtaining
 - i. A diploma and
 - ii. An industry certification, industry pathway certification, a state licensure, or an occupational competency credential in a career and technical education program, when such certification, licensure, or credential is approved by the Board of Education as student-selected verified credit.

The additional points shall not be used to obtain or deny accreditation.

HB 1061 (Delegate Byron) and SB 489 (Senator Ruff) - High School Graduation Requirements

Summary:

HB 1061 and **SB 489** amend §§ **22.1-253.13:4** and **22.1-254** of the Code of Virginia. The legislation directs the Board of Education to modify the credits necessary for a student to earn a standard or an advanced studies diploma. This bill requires the enactment of Emergency Regulations.

Existing Law:

- Outlines general school graduation requirements and specifies that students can earn a standard, advanced studies, modified standard, special, or general diploma.

Changes Effective July 1, 2012:

- Elimination of Technical Diplomas: Requires the Board of Education to eliminate technical diplomas that have not been implemented.

- Required Emergency Regulations: The bills require the Board of Education to promulgate emergency regulations (effective within 280 days of the bills enactment) to effectuate the following:
 - *Default Advanced Studies Diploma*: The advanced studies diploma must be the recommended diploma for students pursuing baccalaureate study.
 - *Standard Diploma Requirements*: The standard diploma must include:
 - At least two sequential electives courses that must provide a foundation for further education or training or preparation for employment (the requirement for electives already existed; the foundation requirement is new);
 - A requirement to earn a career and technical education credential that has been approved by the Board of Education such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment. (This requirement begins with the first-time ninth grade students in the 2013-2014 school year).
 - *Standard and Advanced Studies Diploma Requirements*: Standard and advanced studies diploma must require successful completion of:
 - One credit in fine or performing arts or career and technical education (not new);
 - One credit in United States and Virginia history (not new);
 - One virtual course that may be a noncredit-bearing course (new); and
 - One course in economics and personal finance.
 - *Effect of Standard and Advanced Study Diplomas*: The diplomas must prepare students for post-secondary education and the career and readiness required by Virginia’s economy.
 - *Elimination of the Modified Standard Diploma*: The modified standard diploma is eliminated. The Board is required to make provisions in regulation for students with disabilities to earn a standard diploma.
 - *General Education Diploma Requirements for Students 16 to 18*: For students 16 to 18 years of age, in a meeting with the student, the student’s parent, and the principal or designee, an “individual student alternative education plan” may be developed that must include:
 - Career guidance counseling (not new);
 - Mandatory enrollment and attendance in a general educational development preparatory program or approved alternative education program (not new);
 - Mandatory enrollment in a program to earn a Board of Education-approved career and technical education credential (new);
 - Successful completion of a course in economics and personal finance (new);
 - Counseling on the economic impact of failing to complete high school (not new); and
 - Procedures for reenrollment to comply with the compulsory education law (not new).

- *General Achievement Adult High School Diploma*: Sets the requirements of obtaining to include:
 - A requirement that this diploma is available only to students not subject to the compulsory school attendance law (new);
 - Achievement of a passing score on the GED examination (not new);
 - Successfully completed an education and training program designated by the Board of Education (not new);
 - Earned a Board of Education-approved career and technical education credential (new); and
 - Satisfied other requirements set by the Board of Education for the award of such diploma (not new).

HB 1089 (Delegate O'Bannon) - Public School Immunizations

Summary:

HB 1089 amends § **22.1-271.2** of the Code of Virginia and increases the period of conditional enrollment to 180 calendar days (increased from 90 days) for the completion of an immunization schedule for the Hepatitis B vaccine (if the vaccine requires more than two doses).

Existing Law:

- Any student whose immunizations are incomplete may be admitted conditionally to school if that student provides documentary proof at the time of enrollment of having received at least one dose of the required immunizations accompanied by a schedule for completion of the required doses within 90 days.

Changes Effective July 1, 2012:

- Clarification for Time for All Vaccines: Clarifies that the 90 day time period are calendar days.
- Extended Period for Hepatitis B if Three or More Doses are Required: Allows the conditional enrollment period to be extended to 180 calendar days for students requiring more than two doses of the Hepatitis B vaccine.

HB 1189 (Delegate Carr) - Student Data Requests

Summary:

HB 1189 amends § **22.1-79.3** of the Code of Virginia. The legislation allows local school boards to develop a single, standardized form to obtain parental consent for the release of student data. If the locality develops a standardized form, the form must be used by the Department.

Existing Law:

- List various issues for which local school boards are required or authorized to develop and implement policies.

Changes Effective July 1, 2012:

- Authority to Develop Standard Form: Permits local school boards to develop a single, standardized form to obtain parental consent for the release of student data.

- Requirements for Use of Any Form Developed: If the form is developed by the local school board, the form must be used by Community Policy and Management Teams and the Departments of Health, Social Services, Correctional Education, Juvenile Justice, and Behavioral Health and Developmental Services.

Comments:

If a school system adopts a uniform form for requesting records, DJJ personnel will be required to use that form.

HB 1291 and HJ 49 (Delegate Gilbert) and SB 678 and SJ 66 (Senator McDougle) - Department of Juvenile Justice and Department of Correctional Education Merger

Summary:

HB 1291 and **SB 678** reorganize multiple agencies, boards, and councils within the executive branch of state government. The information below only summarizes the changes related to the Department and the Department of Correctional Education.

Changes Effective July 1, 2012 (relating to the Department):

- Merger of Department of Correctional Education: The bills abolish the Department of Correctional Education (DCE) and the Board of Correctional Education and merge DCE's adult academic and technical education requirement to the Department of Corrections and juvenile academic and technical education requirements to the Department. It provides the following:
 - *Department's Division of Education*: Establishes within the Department a Division of Education:
 - The Division must be designated the local education agency (LEA) but is not eligible to receive state funds appropriated for direct state aid to public education;
 - Requires the Department's Director to hire a Superintendent of the Division of Education who must meet the minimum standards for division superintendents set by the Board of Education; and
 - Requires the Department to employ teachers and place them in appropriate schools (the teachers shall be compensated in accordance with competitive salary schedules for teachers established by DHRM).
 - *Authority for Schools*: Authorizes the Department's Director to establish and maintain schools and enter into agreements necessary to provide age-appropriate educational programs and training;
 - *Educational Compliance*: Requires the Department's Director to comply with and require all school facilities within the Department to comply with all applicable state and federal regulations and statutes;
 - *Regulations Governing Education*: Authorizes the Board of Juvenile Justice to adopt all necessary regulations for the management and operation of the schools as long as the regulation do not conflict with regulations relating to the security of the institutions;
- Elimination of the Juvenile Enterprise Committee: Transfers the authority to review agreements with public or private entities for the operation of a work program for

juveniles committed to the Department from the Juvenile Enterprise Committee to the Director. Abolishes the Juvenile Enterprise Committee.

MANDATORY CHILD ABUSE OR NEGLECT REPORTING REQUIREMENTS

SB 239 (Senator Stuart), HB 1237 (Delegate Scott), HB 3 (Delegate Marshall), and HB 74 (Delegate Bell) - Mandatory Reporting Requirements

Summary:

SB 239, HB 1237, HB 3, and HB 74 amend § **63.2-1509** of the Code of Virginia. The legislation adds to the list of mandatory reporters by requiring persons associated with or employed by public organizations and persons employed by public and private institutions of higher education to report child abuse and neglect.

Additionally, the legislation reduces the maximum amount of time to file a report to 24 hours and increases the penalty for failing to report. Finally, it clarifies that any individual 18 years of age or older not specifically enumerated in the statute by their profession who is responsible for the care, custody, or control of children is a mandatory reporter of child abuse and neglect.

Note: The basic reporting requirements are the same. If a probation officer or juvenile correctional center staff has, in their official or professional capacity, a reason to suspect that a child is an abused or neglected child, he or she is a mandated reporter and that suspected abuse or neglect must be reported to the local Child Protective Services (CPS) or the Department of Social Services (DSS) hotline.

Existing Law:

- Identifies that persons in specific professions, employed or certified by specific organizations, and persons associated with or employed by private organizations responsible for the care, custody, or control of children are mandatory reporters of child abuse and neglect.
- Person required to report must do so within 72 hours of his first suspicion.
- The first failure to report shall result in a fine of not more than \$500.

Changes Effective July 1, 2012:

- **New Mandated Reporters:** The bills add different categories of professionals who are required to report suspected child abuse or neglect to include the following:
 - Any individual 18 years of age or older who has received training approved by the Department of Social Services relating to child abuse or neglect reporting, not specifically enumerated in the statute by his profession who is responsible for the care, custody, or control of children is a mandatory reporter of child abuse and neglect;
 - Athletic coaches, directors, or other persons 18 years of age or older employed by or volunteering with private sports organizations;

- Administrators or employees 18 years of age or older of public and private day camps, youth centers, and youth recreation programs; and
 - Persons employed by public and private institutions of higher education. An exception is carved out for attorneys employed by a public or private college or university as it relates to information gained in the course of providing legal representation to a client. (Example: A student, professor, or volunteer attorney participating in a criminal law clinic and representing a defendant accused of child abuse or neglect would not be a mandatory reporter.)
- Required Reporting Time Reduction: Reduces the time a person is required to report from 72 hours to **as soon as possible** but not longer than 24 hours after having reason to suspect a reportable offense. Thus, if a mandated reporter has a reason to suspect that a child is abused or neglected, that report must be made within 24 hours of when that reason to suspect becomes known.
- Additional Requirements when the Report to CPS is Not Made by the Person who First Learns of the Suspected Abuse or Neglect: The DSS institutional regulations allow for the mandated reporting requirement to be met by an employee informing his or her supervisor; thereafter, the supervisor is required to notify CPS of the reportable incident as required by law (now within 24 hours; before within 72). That is still allowed under the statute and regulation. If a reportable incident is reported in this manner, the following must occur:
- *Notice of initial report:* The person who made the report to CPS (e.g., supervisor) must inform the person who made the initial report (e.g., employee, teacher, staff member, volunteer, intern, nurse) of:
 - When the report is made to CPS and
 - The name of the individual receiving the report.
 - *Follow-up reporting:* The person who made the report to CPS (e.g., supervisor) must forward any subsequent communications from CPS resulting from the report (including any actions taken regarding the report), to the person who made the initial report (e.g., employee, teacher, staff member, volunteer, intern, nurse). These requirements apply only when the person who made the report becomes aware of or is advised of additional information (*no need to report something of which you have not been made aware*).
 - *Additional Requirements Not Applicable:* If the court service unit (CSU) or juvenile correctional center (JCC) allows the person who first becomes aware of the reportable incident (e.g., probation officer to whom a supervisee informs of abuse) to make a direct report, these new requirements do not apply. CPS will be providing that information to the probation officer (because the probation officer is the person who first became aware of the report and the person who made the report to CPS).
 - *Additional Requirements Applicable:* If the CSU or JCC requires the person who first becomes aware of the report to inform another CSU or JCC employee or supervisor of the reportable incident, and the latter makes the report, the person who makes the report to CPS must report back to the employee who made the initial report.
 - *Example 1:* A probation officer (PO) believes a probationer is being abused by his parents. The CSU has a requirement that all reports to CPS are processed through

the CSU Director's administrative assistant. The administrative assistant makes the report to CPS. The administrative assistant must report back to the PO the information noted above.

- *Example 2:* A JCC requires the Superintendent or designee to make any reports to CPS. The person who learns of the initial reason to suspect is a counselor. The counselor reports to the counselor supervisor, who reports it to the treatment director, who reports it to the Superintendent. The Superintendent makes the report. As of July 1, the Superintendent must ensure that the counselor is informed when and to whom the report is made and share any additional information provided by CPS with the counselor.
- **Penalties for Failure to Report:** If a mandated reporter has reason to suspect a reportable incident and does not make the report within 24 hours, he or she is subject to the following penalties:
 - *First failure to report:* fine up to \$500 (not new)
 - *Second or subsequent failure to report:* fine not less than \$1000 (increased from a fine of \$100 to \$1000)
 - *Intentional failure to report rape, sodomy, or object sexual penetration:* A knowing and intentional failure to report these reportable incidents is a Class 1 misdemeanor (new).
- **Exception to the reporting requirement:** If a mandated reporter becomes aware of a reportable incident *and* has *actual* knowledge that the same reportable incident was already reported to CPS, the mandated reporter does not have to make a duplicate report to CPS.

Comments:

- The mandatory reporting requirement does not apply when intake processes petitions on child protective orders when the petitioner is the local department of social services (because the intake officer would have actual knowledge that the reportable incident was already reported to child protective services).
- The mandatory reporting requirement applies (so a report must be made to CPS or the state's hotline) when intake processes petitions on child protective orders when the petitioner is a person other than a representative of the local department of social services (e.g., a parent or other person) because the Code requires reporting to the local child protective services or the hotline; notifying the court does not meet the mandatory reporting requirement.

OFFENSES / PENALTIES FOR CRIMES

HB 39 (Delegate Tata) - Enhanced Penalty for Second or Subsequent Conviction When Causing a Telephone or Pager to Ring with the Intent to Annoy

Summary:

HB 39 amends § **18.2-429** of the Code of Virginia. The legislation makes a second or subsequent conviction for causing a telephone or pager to ring or signal with the intent to annoy or

permitting the use of a telephone under one's control for such purpose punishable as a Class 2 misdemeanor if the prior conviction took place before the date of the offense charged.

Existing Law:

- Causing a telephone or digital pager to ring or signal with the intent to annoy or permitting the use of a telephone under ones control for such purpose is a **Class 3 misdemeanor** (punishable with a fine up to \$500).

Changes Effective July 1, 2012:

- Jail-Time Possible for Second or Subsequent Offense: **second or subsequent conviction** for causing a telephone or pager to ring or signal with the intent to annoy or permitting the use of a telephone under ones control for such purpose is punishable as a **Class 2 misdemeanor** (punishable with a fine up to \$1000 and a term of confinement in jail of up to six months) if the prior conviction took place before the date of the offense charged.

Comments:

This bill was motivated by the case of a Virginia man who used his who used his phone to harass several Virginia Beach area women, calling the women's homes and cell phones repeatedly. Even after receiving fines for the calls, the man continued his "telephone stalking" campaign, calling from different lines to disguise himself after the women blocked his number. (Source: *The Virginia-Pilot*, December 29, 2011.)

HB 87 (Delegate Knight) - Pointing Laser Light at Aircraft is a Class 1 Misdemeanor

Summary:

HB 87 amends § 5.1-22 of the Code of Virginia. Pointing the light of a laser at an aircraft is a Class 1 misdemeanor. The legislation clarifies that government authorized interference with the operation of an aircraft is not a criminal act.

Existing Law:

- Threatening to interfere or interfering with the operation of an aircraft on or over the Commonwealth is a Class 1 misdemeanor.
- Interference that endangers the life of the pilot or any other person is a Class 6 felony.

Changes Effective July 1, 2012:

- Pointing a Laser at an Aircraft is a Class 1 Misdemeanor: Specifies that any person who knowingly and intentionally projects a point of light from a laser, laser gun sight, or any other device that simulates a laser at an aircraft is guilty of a Class 1 misdemeanor.
- Protection for FAA and Military Operations: Clarifies that interference with the operation of an aircraft is not a crime if authorized by the Federal Aviation Administration or the armed forces of the United States.

Comments:

- When a police helicopter was flying overhead searching for a criminal suspect in Virginia Beach, a person on the ground pointed a green laser at the helicopter – temporarily blinding the pilot and halting the search. The co-pilot then assumed control of the helicopter. This behavior is a felony under federal law. However, there was no applicable state law, and the federal law states it is illegal to point a “shining bright light” at an aircraft but does not specifically cover laser pointers.
- According to the Federal Aviation Administration, there were about 3,600 laser strikes nationwide last year, including 98 in Virginia. Naval Air Station Oceana reported 13 incidents last year.
- Source: *Henrico Citizen*, May 17, 2012.

HB 279 (Delegate Iaquinto) - DUI Ignition Interlock Required on First Offense

Summary:

HB 279 amends §§ **18.2-270.1** and **18.2-271.1** of the Code of Virginia. The legislation requires ignition interlock systems as condition of a restricted license for offenders convicted of causing serious bodily injury while intoxicated (§ **18.2-51.4**) or driving while intoxicated (§ **18.2-266**).

Existing Law:

- The court **has the discretion** to require an ignition interlock system for a first offense.
- The court **is required** to order the offender have an ignition interlock installed upon a second or subsequent offense or for a first offense when the offender's blood alcohol content is 0.15 percent or above.

Changes Effective July 1, 2012:

- Mandatory Order for First-Offense: The court is mandated to order installation of a Driving under the Influence (DUI) interlock system upon conviction of a first offense DUI conviction (blood alcohol content of 0.08 and above) if a restricted license is authorized. A person convicted of DUI may drive only with an ignition interlock after the first offense as a condition of a restricted license.
- Vehicles Affected:
 - *First offense*: The device must be installed on the driver's primary vehicle.
 - *Second offense*: The defendant is required to have an ignition interlock installed in **each vehicle** owned by *or* registered to him after a second offense.
- Restricted License for Installation: The court may authorize a restricted license for travel to and from the interlock installer.
- Pre-Qualification: An individual can pre-qualify for an ignition interlock prior to conviction.

Comments:

- This applies only to convictions, not to adjudications of delinquency.
- There are now nearly 4,570 interlocks on cars in the Commonwealth; some predict this number could rise to over 15,000 after the law change.
- The device costs drivers approximately \$480 for a minimum of six months, of which \$20 each month is designated to state and regional Virginia Alcohol Action Program

(VASAP) units operating expenses. (Note: VASAP also charges convicted drunken drivers \$300 for class expenses, there is a \$250 mandatory fine, and court costs total approximately \$200.)

- Source: *PilotOnline.com*, June 30, 2012.

HB 546 (Delegate Comstock) - Prostitution Added to the List of Predicate Criminal Acts

Summary:

HB 546 amends § **18.2-46.1** of the Code of Virginia relating to crimes against gangs by adding prostitution to the list of predicate criminal acts for gang involvement.

Existing Law:

- Defines the terms “act of violence” and “criminal street gang” and lists the Code sections that are deemed to be a predicate criminal act.
- In order to be found a member of a “criminal street gang” the defendant must be found to be part of an organization, association, or group of three or more, whether formal or informal:
 - That has one of its primary objectives or activities the commission of one or more criminal activities;
 - That has an identifiable name, sign, or symbol; and
 - Whose members have engaged in two or more predicate criminal acts
 - Engaged means: engaged, attempted to commit, conspired to commit, or solicited.
 - One of the predicate criminal acts must have been an act of violence that was not part of a common scheme with the other predicate criminal act.

Changes Effective July 1, 2012:

- New Predicate Criminal Acts: The bill includes within the definition of “predicate criminal act” the offense of taking or detaining of any person into a place for the purposes of prostitution (§ **18.2-355**) and the offense of receiving money from earnings of any person engaged in prostitution (§**18.2-357**).
- Definition of Prostitution: Prostitution is defined in § **18.2-346** (not new) as follows: “Any person who, for money or its equivalent, commits adultery, fornication or any act in violation of § **18.2-361**, or offers to commit adultery, fornication or any act in violation of § **18.2-361** and thereafter does any substantial act in furtherance thereof” (Class 1 misdemeanor).

HB 752 (Delegate Cline) and SB 459 (Senator Herring) - Strangulation is a Class 6 Felony

Summary:

HB 752 and **SB 459** created §**18.2-51.6** of the Code of Virginia. The legislation defines strangulation and lists the penalty for strangulation as a Class 6 felony.

Changes Effective July 1, 2012:

- Strangulation Defined as New Offense: Strangulation is defined as any person who, without consent, impedes the blood circulation or respiration of another person by

knowingly, intentionally, and unlawfully applying pressure to the neck of such person, resulting in the wounding or bodily injury of such a person.

- Penalty: The penalty for strangulation is a Class 6 felony.

Comments:

- Attempted Murder: Attempted murder has an intent requirement that may not be present in cases involving strangulation (e.g., unlawful, willful, deliberate, malicious, or premeditated attempt to kill).
- Assault and Battery: Simple assault or assault and battery is a Class 1 misdemeanor.

HB 964 (Delegate Bell) - Displaying Child Pornography to a Minor is a Class 6 Felony

Summary:

HB 964 adds §**18.2-374.4** to the Code of Virginia. The legislation provides that any person who displays child pornography or a grooming video or materials to a minor is guilty of a Class 6 felony. It provides a definition of “grooming video” and makes it a criminal act for any person 18 years of age or older to display child pornography or a grooming video or materials to a child under age 13.

Changes Effective July 1, 2012:

- Definition of Grooming Materials: “Grooming video or materials” are defined as a cartoon, animation, image, or series of images depicting a child engaged in the fondling of the sexual or genital parts of another or the fondling of his sexual or genital parts by another, masturbation, sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, or object sexual penetration.
- New Offense to Show Grooming Materials to Child Under the Age of 13: It is a criminal act for any person 18 years of age or older to display child pornography or a grooming video or materials to a child under 13 years of age with the intent to entice, solicit, or encourage the child to engage in a sex act.
- Penalty: The penalty for a violation of this section of the Code is a Class 6 felony.

PROTECTIVE ORDERS

SB 300 (Senator Howell) - Strengthens the Provisions of Virginia’s Protective Orders Laws

Summary:

SB 300 amends §§ **16.1-241**, **16.1-253.2**, **16.1-253.4**, **16.1-260**, and **19.2-152.8** of the Code of Virginia and adds to Chapter 9.1 of Title 19.2 a section numbered § **19.2-152.11**. The legislation makes various changes to the provisions governing protective orders issued by a juvenile and domestic relations district court, addresses venue, and clarifies that juvenile and domestic relations district courts have jurisdiction over all protective orders that involve juveniles whether as the alleged victim or as a respondent.

Existing Law:

- §16.1-241 addresses the jurisdiction of juvenile courts for the purpose of obtaining a protective order related to family abuse.
- §16.1-253.2 lists the types of violations of the emergency, preliminary, and permanent protective order that are punishable as a Class 1 misdemeanor.
- §16.1-253.4 describes the conditions and process an intake officer will adhere to when filing a petition for a protective order related to family abuse.
- Chapter 9.1 §§ 19.2-152.8 through 19.2-152.10 does not address venue for filing a petition for a protective order.

Changes Effective July 1, 2012:

- Jurisdiction in the Juvenile Court: Amends subsection M of §16.1-241 to clarify that juvenile and domestic relations district courts have jurisdiction over all protective orders that involve juveniles, whether as the alleged victim or as the respondent.
- Intake Officer's Authority to File Petitions: Amends § 16.1-260 to clarify that the intake office must file a petition when
 - An act of violence, force, or threat has occurred;
 - A protective order is being sought pursuant to §§ 19.2-152.8 (emergency protective orders), 19.2-152.9 (preliminary protective orders), or 19.2-152.10 (protective orders) of the Code of Virginia (collectively, 19.2 protective orders); **and**
 - Either the alleged victim or the respondent is a juvenile.
- Intake Requirement for Issuance of Written Explanation of Protective Order Process: Requires the intake officer to provide a written explanation of the conditions, procedures, and time limits applicable to the issuance of 19.2 protective orders.
- Violations of Protective Orders: Amends §16.1-253.2 to clarify that only violations involving a provision of the protective order related to acts listed below are Class 1 misdemeanors:
 - Trespass,
 - Acts of family abuse,
 - Committing a criminal offense (*new language*), and
 - Making contact by the respondent with the allegedly abused person or family or household members of the allegedly abused person (*the language was changed [“between” was changed to “by”] to specify that the violation occurs if the respondent initiates the contact*).
- Emergency Protective Orders: §16.1-253.4 allows judges to prohibit contact between the respondent and the allegedly abused person or that person's family. Clarifies that an intake officer shall accept and file a petition for protective orders that involve juveniles, whether as the alleged victim or as respondent.
- Venue: Adds §19.2-152.11 to the Code of Virginia establishing venue for 19.2 protective orders. Proceedings in which a protective order is sought pursuant for such protective orders must be commenced where
 - Either party has his principal residence;
 - The act of violence, force, or threat by the respondent against the petitioner occurred; **or**

- A protective order was issued if, at the time the proceeding is commenced, the order is in effect to protect the petitioner or a family or household member of the petitioner.

Comments:

This bill was a recommendation of the Crime Commission. Below are the applicable Virginia Crime Codes:

- The VCCs for family abuse protective orders are as follows:
 - Preliminary Protective Order (PPO) pursuant to §16.1-253: PRT-3833-J9
 - Protective Order (PO) issued pursuant to §16.1-253.1: PRT-3836-J9
 - Motion to amend PO pursuant to §16.1-279.1 (F): PRT-3867-J9
- The VCCs for 19.2 protective orders are as follows:
 - Emergency Protective Order (EPO) pursuant to §19.2-152.8: PRT-3861-J9
 - PPO pursuant to §19.2-152.9: PRT-3862-J9
 - PO pursuant to §19.2-152.10: PRT-3863-J9

HB 1033 (Delegate McClellan) and SB 445 (Senator Vogel) - Circuit Court has Jurisdiction to Modify, Dissolve, or Extend Permanent Protective Orders

Summary:

HB 1033 and **SB 445** amend §§ **16.1-279.1**, **17.1-513**, and **19.2-152.10** of the Code of Virginia clarifying that the circuit court has the jurisdiction to hear petitions to modify, dissolve, or extend a permanent protective order if the circuit court issued the order and outlines the responsibilities of the circuit court as it relates to protective orders.

Existing Law:

- **§16.1-279.1** and **§19.2-152.10** require the juvenile court to electronically enter and transfer protective order information to the Virginia Criminal Information Network and allow the circuit court to forward the protective order information to the appropriate law enforcement agency to enter the information.
- **§17.1-513** addresses the jurisdiction of circuit court, which does not include jurisdiction related to protective orders.

Changes Effective July 1, 2012:

- **Circuit Court Jurisdiction for Motions on Protective Order:** The bill amends **§ 17.1-513** to provide that a circuit court has jurisdiction to hear petitions to modify, dissolve, or extend a permanent protective order if the circuit court issued the order (unless the circuit court remanded the matter to the jurisdiction of the juvenile court in accordance with § 16.1-297).
- **Entry of Protective Orders in VCIN:** The court must, no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network (VCIN) (i) the respondent’s identifying information and (ii) the name, date of birth, sex, and race of each protective person (and shall forward a

copy of the protective order to the primary law enforcement agency responsible for service and entry of protective orders) (not new).

- This requirement applies to circuit courts if the circuit court issued the order (new). The bill amends §§ **16.1-279.1** and **19.2-152.10** to remove the language allowing the circuit court to forward protective order information to a law enforcement agency to enter information in the VCIN;
- Circuit court clerks who are not currently using the Statewide Case Management System are not required to make reports directly to VCIN until July 1, 2013.

SEX OFFENDER REGISTRY

HB 753 (Delegate Cline) - Attorney for the Commonwealth May File a Motion to Require Juvenile to Register

Summary:

HB 753 amends § **9.1-902** of the Code of Virginia. The legislation (1) permits the attorney for the Commonwealth to file a motion requiring a juvenile to register on the sex offender registry at any time the offender is within the jurisdiction of the court and (2) requires to court to appoint a qualified and competent attorney to represent the offender, if one has not previously been retained or appointed.

Existing Law:

- Describes the offenses and circumstances for which adult and juvenile offenders are required to register on the sex offender registry.
- Juveniles are required to register in the following circumstances:
 - If a juvenile who was over the age of 13 at the time of the offense is adjudicated delinquent in juvenile court for an offense requiring registration, and the juvenile court orders registration (upon motion of the Commonwealth);
 - The juvenile is convicted in circuit court for an offense requiring registration; or
 - The juvenile moves to Virginia from another state and was either required to register in the sending state or convicted in the sending state on an offense requiring registration.

Changes Effective July 1, 2012:

- The Attorney for Commonwealth may File Motion at Any Time: Adds language stating that the attorney for the Commonwealth may file a motion requiring a juvenile to register on the sex offender registry at **any time** the offender is within the jurisdiction of the court for the offense that is the basis of the motion.
- Required Representation: The Court is required to ensure that the offender is represented by counsel for the hearing on the motion.

SOCIAL SERVICES

HB 135 (Delegate Kilgore) and SB 396 (Senator Hanger) - Membership to the State Executive Council for Comprehensive Services for At-Risk Youth and Families

Summary:

HB 135 and **SB 396** amend § **2.2-2648** of the Code of Virginia. The legislation eliminates two members of the Executive Council and increases the number of local government representatives from three to five.

Existing Law:

- Membership consists of one member of the House of Delegates to be appointed by the Speaker of the House and one member of the Senate to be appointed by the Senate Committee on Rules; the Commissioners of Health, of Behavioral Health and Developmental Services, and of Social Services; the Superintendent of Public Instruction; the Executive Secretary of the Virginia Supreme Court; the Director of the Department of Juvenile Justice; the Director of the Department of Medical Assistance Services; the Governor's Special Advisor on Children's Services, to serve as an ex officio non-voting member; the chairman of the state and local advisory team established pursuant to § **2.2-5202**; three local government representatives to include a member of a county board of supervisors or a city council and a county administrator or city manager, to be appointed by the Governor; one public provider, to be appointed by the Governor; two private provider representatives from facilities that maintain membership in an association of providers for children's or family services and receive funding as authorized by the Comprehensive Services Act (§ **2.2-5200** et seq.), to be appointed by the Governor, who may appoint from nominees recommended by the Virginia Coalition of Private Provider Associations; and two parent representatives.

Changes Effective July 1, 2012:

- Eliminated Members: The following members are eliminated:
 - The chairman of the state and local advisory team
 - One public provider, to be appointed by the Governor
- New Membership: The number of local government representatives increased from three to five, and all five members must be a member of a county board of supervisors, a city council, a county administrator, or a city manager.

SB 204 (Senator Barker) - Foster Care Children's School Placement

Summary:

SB 204 amends § **63.2-900.3** of the Code of Virginia. States that a determination of school placement does not have to be made prior to placing a child in foster care.

Existing Law:

- School placement must be determined prior to placing a child in a foster care placement.
- Last year this section of the Code was amended to allow a child in a foster care placement to remain in the school in which he was enrolled prior to the most recent foster care placement if, "before placing" the child, the local services agency and the local school division determine jointly, in writing, it is in the child's best interests to remain enrolled at that school.

Changes Effective July 1, 2012:

- Flexible Timeframe for Determining School Placement: Removes the requirement that a child's school placement be determined prior to being placed in foster care.

TRAINING

HB 273 (Delegate Peace) and SB 293 (Senator Lucas) - Department of Criminal Justice Services to Develop Minimum Training Standards

Summary:

HB 273 and **SB 293** amend § **9.1-102** of the Code of Virginia. The legislation requires the Virginia Department of Criminal Justice Services (DCJS) to develop compulsory minimum entry-level, in-service, and advanced training standards for juvenile correctional officers employed by juvenile correctional facilities operated by or under the authority of the Virginia Department. Additionally, DCJS is required to establish the timeline for completion of the trainings.

Existing Law:

- DCJS establishes the minimum training standards for sheriffs, jail officers, and correctional officers employed by the Department of Corrections.
- There are no established requirements for training standards for juvenile correctional officers (the Department develops and reviews all training curriculum for juvenile correctional officers).

Changes Effective July 1, 2012:

- Training Standards Required for Juvenile Correctional Officers: DCJS is required to establish minimum entry-level, in-service, and advanced training standards and the timeframes required for completion of such training for persons employed as juvenile correctional officers at juvenile correctional facilities.

TRANSFER OF JUVENILES FOR TRIAL AS ADULTS

HB 718 (Delegate Kilgore) - Juveniles with Multiple Drug Offenses May be Tried as an Adult

Summary:

HB 718 amends § **16.1-269.1** of the Code of Virginia. The legislation expands the type of cases for which a prosecutor may decide whether a juvenile who was 14 years of age or older at the time of the offense is tried as an adult. Using the “three strikes” concept, when a juvenile is charged with distributing a controlled substance, methamphetamine, or anabolic steroids after previously being adjudicated on two previous occasions of the same offense, the prosecutor has the discretion to try that juvenile as an adult in circuit court. The juvenile must have been 14 years of age or older at the time of each of the three offenses.

Existing Law:

Lists the circumstances to be considered when making a decision to try a juvenile as an adult along with the types of offenses for which a juvenile 14 years or older can be tried as an adult. The current list includes:

- murder in violation of §§ **18.2-31, 18.2-32, 18.2-33, or 18.2-40**
- aggravated malicious wounding in violation of § **18.2-51.2**
- felonious injury by mob in violation of § **18.2-41**
- abduction in violation of § **18.2-48**
- malicious wounding in violation of § **18.2-51**
- malicious wounding of a law enforcement officer in violation of § **18.2-51.1**
- felonious poisoning in violation of § **18.2-54.1**
- adulteration of products in violation of § **18.2-54.2**
- robbery in violation of § **18.2-58**
- carjacking in violation of § **18.2-58.1**
- rape in violation of § **18.2-61**
- forcible sodomy in violation of § **18.2-67.1**
- object sexual penetration in violation of § **18.2-67.2**

Changes Effective July 1, 2012:

- New Prosecutorial Discretion Offense: The transfer statute is expanded to include certain drug charges for which a prosecutor has the discretion to try a juvenile 14 years or older as an adult in circuit court. These offenses are:
 - *Third-time Distributing a Controlled Substance*: Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance in violation of § **18.2-248** if the juvenile has been previously adjudicated delinquent on **two or more** occasions of violating that statute, provided the adjudications occurred after the juvenile was at least 14 years of age.
 - *Third-time Distributing Methamphetamine*: Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute

methamphetamine in violation of § **18.2-248.03** if the juvenile has been previously adjudicated delinquent on **two or more** occasions of violating that statute, provided the adjudications occurred after the juvenile was at least 14 years of age.

- *Third-time Distributing Anabolic Steroids*: Felonious manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute anabolic steroids in violation of § **18.2-248.5** if the juvenile has been previously adjudicated delinquent on **two or more** occasions of violating that statute, provided the adjudications occurred after the juvenile was at least 14 years of age.

MISCELLANEOUS

HB 647 (Delegate Habeeb) and SB 113 (Senator McDougle) - Minors Must be Accompanied by a Parent or Guardian at the Ceremony to Issue the Minor an Original Driver's License

Summary:

HB 647 amends § **46.2-336** of the Code of Virginia. The legislation requires a parent or guardian attend the ceremony at which a minor is issued an original driver's license.

Existing Law:

- A licensee must be accompanied at the ceremony if he is under the age of 18 at the **time the application for licensure is made**.

Changes Effective July 1, 2012:

- Licensee Must be Accompanied if Under 18 at the Time of License Issuance: Requires that a licensee who is under the age of 18 at the time that the driver's license issuing ceremony is to be held must be accompanied by a parent, guardian, spouse, or other person in loco parentis. The legislation clarifies that it is not necessary for an individual who applied for a license while under age 18, who at the time of the ceremony has turned 18 years old, to have a parent or guardian present at the ceremony.

HB 849 (Delegate Johnson) - Review Hearings May be Conducted via Two-Way Electronic Video

Summary:

HB 849 amends § **16.1-284.1** of the Code of Virginia and clarifies that juveniles participating in post-dispositional programs who are held for more than 30 days in a secure local facility must appear before the court for a mandatory review hearing. Juveniles may appear in person or with the use of a two-way electronic video and audio communications.

Existing Law:

- A mandatory review hearing must be conducted at least once during each 30 day period for juveniles held more than 30 days. The current law does not address whether juveniles are required to participate in the review hearing.

Changes Effective July 1, 2012:

- Juvenile Participation: Juveniles are required to participate in review hearings.
- Manner of Juvenile Appearance: A juvenile may appear before the court for a mandatory review hearing in-person or through the use of two-way electronic video and audio communication.
- Admission of Documents in Video Hearings: Documents filed for the hearing may be transmitted by facsimile, and all signatures on such documents will be treated as original signatures.

HB 897 (Delegate Albo) and SB 363 (Senator Deeds) - Additional Data Requirements for the Virginia Child Protection Accountability System

Summary:

HB 897 and **SB 363** amend § **63.2-1530** of the Code of Virginia by expanding the type of data to be collected for the Virginia Child Protection Accountability System.

Existing Law:

- Requires the Department of Social Services, the Virginia Department of State Police, and all circuit courts to report specific data elements to the Virginia Child Protection Accountability System.

Changes Effective July 1, 2012:

- Data from the Virginia Criminal Sentencing Commission: Requires the Virginia Criminal Sentencing Commission to provide (i) the name of the sentencing judge, (ii) the offense or offenses for which a sentence was imposed, (iii) the age of the victim and offender, (iv) the relationship between the victim and the offender, (v) the locality in which the offense occurred, (vi) the sentence imposed and the actual time served, (vii) whether the sentence was an upward or downward departure from the sentencing guidelines or within the sentencing guidelines, and (viii) the reasons given for the departure, if any, from the sentencing guidelines on sentences imposed for the certain offenses to be entered in the Virginia Child Protection Accountability System (the offenses are violations of §§ **18.2-48, 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.4, 18.2-355, 18.2-361, 18.2-366, 18.2-370 through 18.2-370.2, 18.2-371, 18.2-371.1, 18.2-374.1, 18.2-374.1:1, 18.2-374.3, 18.2-387, and 40.1-103**).
- Data from the Supreme Court: Requires the Office of the Executive Secretary of the Supreme Court of Virginia to provide information by locality on cases from the Juvenile and Domestic Relations District Courts' Case Management System involving the following: (i) children alleged to be abused or neglected, including (a) the number of petitions filed, (b) the number of cases in which an emergency removal order was issued, (c) the number of cases in which a preliminary removal order was issued prior to an adjudicatory hearing, (d) the number of cases in which a preliminary removal order or a

preliminary child protective order or both were issued at a preliminary hearing, and (e) the number of cases in which a preliminary child protective order or a child protective order was issued other than at a preliminary hearing; and (ii) family abuse cases, including (a) the number of family abuse emergency protective orders issued by magistrates and juvenile and domestic relations district courts pursuant to § 16.1-253.4, (b) the number of family abuse protective petitions filed, and (c) the number of family abuse protective orders issued pursuant to § 16.1-279.1 to be entered in the Virginia Child Protection Accountability System.

HB 1244 (Delegate Johnson) - An Adult Detained Pursuant to a Warrant or Detention Order Issued for a Delinquent Act can be Released on Bail or Recognizance

Summary:

HB 1244 amends § 16.1-247 of the Code of Virginia. An adult detained on juvenile charges may be released on bail or his own recognizance.

Existing Law:

- Addresses the duties of a person taking a child into custody (pursuant to §16.1-246) (1) during court hours and (2) after court hours when (i) a detention order is issued, (ii) an arrest is made, (iii) a child is in need of services or supervision, (iv) a juvenile has escaped, or (v) a juvenile has runaway.

Changes Effective July 1, 2012:

- Adult Detained on Juvenile Offense May be Released on Bail or Own Recognizance: Clarifies that when an adult is taken into custody pursuant to a warrant or detention order alleging a delinquent act committed when the adult was a juvenile, that person may be released on bail or on his or her own recognizance (pursuant to Chapter §19.2-119 et seq. of Title 19.2).

2011 SESSION BILL EFFECTIVE JULY 1, 2012

HB 2076 (Delegate Landes) and SB 1477 (Senator Stosch) – State Office of the Inspector General Created

Summary:

HB 2076 and **SB 1477** create the Office of the State Inspector General, which shall be headed by a State Inspector General who is appointed by the Governor, subject to confirmation by the General Assembly. Passed in the 2011 General Assembly Session and effective July 1, 2012, HB 2076 and SB 1477 transfer the functions and duties of the Inspector General Offices for the Departments of Behavioral Health and Developmental Services, Corrections, Juvenile Justice, and Transportation to the State Office of the Inspector General. The powers and duties of the State Internal Auditor are included in the transfer to the Office of the State Inspector General.

Current Law:

- The Departments of Behavioral Health and Developmental Services, Corrections, Juvenile Justice, and Transportation have independent offices of the inspector general who report in the chain of command for the respective agency.

Changes Effective July 1, 2012:

- State Inspector General Created: An Office of the State Inspector General is created. The Governor shall appoint a State Inspector General, subject to the confirmation of the General Assembly.
- Agency Inspector Generals Combined: The Office of the State Inspector General shall absorb the inspector generals in the Departments of Behavioral Health and Developmental Services, Corrections, Juvenile Justice, and Transportation. The statutes authorizing the agencies' inspector generals are repealed.
- Authority of the State Inspector General: The Office of the State Inspector General will perform the states internal audit functions and investigate allegations of fraud, waste, and abuse.

STUDIES

Budget Bill - HB 1301 (Delegate Putney) – Virginia Community Crime Control Act Assessment

Chapter 0003 of the 2012 Virginia Acts of Assembly (The Appropriation Act, Item 408 (E.3.c.) (2012)).

The Department of Juvenile Justice, with the assistance of the Department of Correctional Education, the Department of Corrections, the Virginia Council on Juvenile Detention, juvenile court service unit directors, juvenile and domestic relations district court judges, and juvenile justice advocacy groups, shall provide a report on the types of programs supported by the Juvenile Community Crime Control Act and whether the youth participating in such programs are statistically less likely to be arrested, adjudicated or convicted, or incarcerated for either misdemeanors or crimes that would otherwise be considered felonies if committed by an adult.

Comments:

This item was in the Budget Bill as introduced on March 1, 2012.

Budget Bill - HB 1301 (Delegate Putney) – Feasibility Study of Creating a Juvenile Justice Apprenticeship Program

Chapter 0003 of the 2012 Virginia Acts of Assembly (The Appropriation Act, Item 410 (2012)).

The Department of Juvenile Justice shall assess the feasibility of creating a juvenile justice apprenticeship program for the purpose of recruiting, training and employing students who may be interested in pursuing careers in the juvenile justice system, and who would be employed as apprentice juvenile correctional officers or related positions, as a potential strategy to assist the department in filling its current vacancies or supplementing existing staff. As part of its

assessment, the department shall review the experience of similar programs at the state or local level in other jurisdictions. The department shall provide a report on its findings and any recommendations by October 1, 2012, to the Secretary of Public Safety and the Chairmen of the Senate Finance and House Appropriations Committees.

Comments:

This item was not in the introduced Budget Bill. It was added by the Senate Finance Committee.

HB 745 (Delegate Cline) - Development of a Weighted Caseload System by the Supreme Court of Virginia and a Report of the Findings to the General Assembly

Summary:

Requires the Supreme Court of Virginia to develop and implement a weighted caseload system to assess judicial caseloads throughout the Commonwealth, and using that system, requires the Court to determine the need for judicial positions and the optimum distribution of judicial positions throughout the Commonwealth and to prepare a recommended plan for the realignment of the circuit and district boundaries.

Language of the Bill:

Be it enacted by the General Assembly of Virginia:

§ 1. The Supreme Court shall develop and implement a weighted caseload system to precisely measure and compare judicial caseloads throughout the Commonwealth on the circuit court, general district court, and juvenile and domestic relations district court levels. The system shall include the development of a comprehensive workload model, an objective means of determining the need for judicial positions, an assessment of the optimum distribution of judicial positions throughout the Commonwealth, and a recommended plan for the realignment of the circuit and district boundaries.

§ 2. The Supreme Court shall report to the General Assembly by November 15, 2013, on the weighted caseload in each court in each county and city, and in each circuit and district based on the current circuit and district boundaries. The report shall include the current number of judges assigned to each court in each county and city. The Court shall also recommend a plan for the realignment of the circuit and district boundaries and the number of judges the Court recommends for assignment to each court in each county and city within the new circuits and districts.

2. That no funds shall be expended for the development and implementation of a weighted caseload system, as provided in this act, unless appropriated directly to the National Center for State Courts to provide for the development and implementation of the system pursuant to a contract with the Supreme Court of Virginia.

INTERESTING PIECES OF LEGISLATION

HB 9 (Delegate Cole) - Voter Identification Requirements

Amends §§ [24.2-643](#), [24.2-651](#), [24.2-651.1](#), [24.2-653](#), and [24.2-701](#) of the Code of Virginia,

- Eliminates the provision that allows a voter to sign a sworn statement that he is the named registered voter he claims to be in lieu of showing identification. The bill allows the voter without identification to vote an official ballot if he is recognized and

acknowledged by an officer of election. Otherwise a voter without identification will be offered a provisional ballot that will be reviewed by the electoral board at its meeting on the day following the election. The voter may submit a copy of one of the required forms of identification to the electoral board in person or by facsimile, electronic mail, or other means. The bill expands the list of acceptable forms of identification to include a valid student identification card issued by a Virginia four-year institution of higher education and certain other documents that show his name and address. Any voter whose name is marked on the poll book as having already voted will be allowed to vote only by a provisional ballot.

HB 84 (Delegate Albo) - Judges are Required to Communicate to Parties the Basis for a Custody Decision

Amends § **20-124.3** of the Code of Virginia

- Provides that the judge's required communication of the basis for his decision regarding child custody or visitation, except in cases of a consent order for custody or visitation, shall set forth the judge's findings regarding the relevant statutory factors used to determine the best interests of the child.

HB 97 (Delegate Wilt) - Two Motorcycles Driving in a Single Lane

Amends § **46.2-857** of the Code of Virginia

- Allows two two-wheeled motorcycles to drive two abreast while in a lane designated for one vehicle.

HB 141 (Delegate Cole) - Freedom of Information Act Exemption

Amends § **2.2-3705.7** of the Code of Virginia

- Adds an exemption to the mandatory disclosure provision of the Freedom of Information Act for names, physical addresses, telephone numbers, and email addresses contained in correspondence between an individual and a member of the governing body, school board, or other public body of the locality in which the individual is a resident, unless the correspondence relates to the transaction of public business. However, no record that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any such correspondence.

HB 185 (Delegate Gilbert) - State Police May Not Charge a Local Ordinance if there is an Applicable Code Violation

Adds §**19.2-340.1** Code of Virginia

- When a law enforcement officer of (i) the Department of State Police or (ii) any other division of the state government makes an arrest or issues a summons for a violation of a provision of the Code of Virginia, the person arrested or summoned shall be charged with a violation of that Code provision and shall not be charged with a substantially similar local ordinance. All fines collected upon conviction of any person so arrested or summoned shall be credited to the Literary Fund.

SB 116 (Senator McDougle) - Payment of Fines and Court Costs

Amends §§ **19.2-349**, **19.2-354**, **46.2-395**, and **46.2-416** of the Code of Virginia

- Extends from 15 to 30 the number of days a person has to pay fines, costs, etc., before collection activity can begin or a driver's license can be suspended.

HB 325 (Delegate Massie) - Students with Autism Spectrum Disorders; Training Required of Personnel

Adds § **22.1-298.3** to the Code of Virginia

- By **September 1, 2014**, each school board shall ensure that aides assigned to work with a teacher who has primary oversight of students with autism spectrum disorders receive training in student behavior management within 60 days of assignment to such responsibility. School boards may provide such training to other employees, including transportation employees.
- The Board of Education shall provide training standards that school divisions may use to fulfill the requirements of this section.
- That the Board of Education, in consultation with Virginia Commonwealth University, shall develop online training that school divisions may use to fulfill the requirements of § **22.1-298.3** of the Code of Virginia. Such training shall be made available to local school divisions free of charge.

SB 374 Senator (Barker) and HB 900 (Delegate Brink) - Mental Health and Parental Notification Policies

Amends § **23-9.2:3** of the Code of Virginia

- Provides that any person licensed to diagnose and treat mental, emotional, or behavioral disorders who is treating a college or university student may determine to withhold parental notification of a dependent student's mental health treatment if such person determines that the notification may result in substantial harm. Currently, only a physician or clinical psychologist can make such a determination.

HB 382 (Delegate Pogge) - Transfer of Assistive Technology Devices

Adds §**22.1-129.1** to the Code of Virginia

- Permits the transfer of an assistive technology device to (i) the school division to which a child with a disability transfers from the school division that purchased the device; (ii) a state agency, including the Department of Rehabilitative Services, that provides services to a child with a disability following the child's graduation with a standard or advanced studies diploma or when a school division ceases to provide special education services for the student; or (iii) the parents of a child with a disability, or the child with a disability if the child with a disability is age 18 or older and has capacity to enter into a contract.
- That the Department of Education shall issue guidelines for the transfer of assistive technology devices no later than **July 1, 2013**. The guidelines shall address (i) a uniform transfer agreement to convey title to an assistive technology device and applicable warranty information and (ii) a method for computing the fair market value of an assistive technology device, including a reasonable allowance for use.

SB 417 (Senator Stanley) and HB 637 (Delegate Iaquinto) - Modified Grievance Procedure

Amends §§ **2.2-1001**, **2.2-3003**, **2.2-3004**, **2.2-3006**, and **51.1-124.13** of the Code of Virginia

- Eliminates certain steps in the grievance procedure by mandating that grievances following terminations due to formal discipline or unsatisfactory job performance proceed directly to a hearing. The bill also (i) allows either party to petition the circuit court to order only the implementation of the final decision of the hearing officer and not any recommendations of the hearing officer, (ii) reduces from 60 to 30 days the administrative review of the hearing decision by the Director of the Department of Human Resource Management, and (iii) removes the ability of the employee filing the grievance to have judicial review of the decision of the Director of the Department of Employment Dispute Resolution on whether the grievance qualifies for a hearing.

HB 475 (Delegate Albo) - Alters the Criteria for Ordering Mandatory Outpatient Treatment

Amends § **37.2-817** of the Code of Virginia

- Alters the criteria for ordering a person to mandatory outpatient treatment or discharging a person for a period of mandatory outpatient treatment following involuntary commitment, by replacing the requirements that the person has the capacity to understand and comply with the treatment, has expressed an interest in outpatient treatment, and has agreed to comply with the treatment with a requirement that the person has agreed to abide by the treatment plan and has the ability to do so.
- Eliminates the requirement that providers of mandatory outpatient treatment services must have actually agreed to deliver such services before mandatory outpatient treatment may be ordered, and requires a finding that such services will be delivered to the person on an outpatient basis.
- Provides that the duration of mandatory outpatient treatment following involuntary commitment shall not exceed 90 days, unless the order is continued.
- Provides that mandatory outpatient treatment shall not include the use of physical force or restraint in administering medication.

HB 476 (Delegate Albo) - Mandatory Outpatient Treatment Hearing Prior to Release From Commitment

Amends §§ **37.2-805** and **37.2-817** of the Code of Virginia

- Prior to the release of a person who has been involuntarily admitted or who has been the subject of a temporary detention order and chose to voluntarily admit himself, a hearing shall be held upon the motion of the treating physician, a family member or personal representative of the person, or the community services board, to determine whether such person should be ordered to mandatory outpatient treatment upon release if such person has been involuntarily admitted or has been the subject of a temporary detention order and chose to voluntarily admit himself on at least two previous occasions within 36 months preceding the hearing. The hearing shall be held within 72 hours from the time the motion is received by the district court or special justice.

HB 500 (Delegate Dance) - Annual Credit Checks for Children in Foster Care

Adds § **63.2-905.2** to the Code of Virginia

- Local departments of social services shall conduct annual credit checks on children aged 16 years and older who are in foster care to identify cases of identity theft or misuse of

personal identifying information of such children. Local departments shall resolve, to the greatest extent possible, cases of identity theft or misuse of personal identifying information of foster care children identified pursuant to this section.

- The Department of Social Services shall develop and implement policies and procedures designed to protect personal identifying information of children aged 16 years and older in foster care in order to prevent identity theft by foster care providers and others who may have access to personal identifying information of such children.

SB 527 (Senator Garrett) - National Guard Members will have Hiring Preference for State Jobs

Amends § **2.2-2903** of the Code of Virginia

- Establishes a preference in state hiring for members of the Virginia National Guard. When a member of the Virginia National Guard applies for a position or job classification requiring an assessment using numerical ratings, points equal to five percent of the total points available from the assessment device or devices shall be added to the member's passing score. The preference shall not be applied if recruitment for the position is limited to state employees or over an applicant who is (i) a veteran or (ii) a former prisoner of war. The bill requires the Department of Human Resource Management to develop guidelines to provide guidance to executive branch agencies on the provisions of the bill.

HB 578 (Delegate Bell) - Teacher Licensure Criteria for Teaching Online Courses

Amends § **22.1-298.1** of the Code of Virginia

- Requires the Board of Education to develop licensure criteria for teachers who teach only online courses. The bill also provides that teachers who hold a Board-issued five-year renewable license may teach online courses for which they are properly endorsed.

HB 972 (Delegate Bell) - Involuntary Commitment Competency Reviewed

Amends § **37.2-817** of the Code of Virginia.

- When a court is to make a decision as to whether it should involuntarily commit a person for 30 days when less restrictive alternatives are inappropriate, it shall consider, in addition to other relevant evidence, whether the person recently has been found by a court to be unrestorably incompetent to stand trial.

HB 997 (Delegate Ransome) - Social Services to Provide Written and Oral Information Related to Public Assistance to Applicants

Amends § **63.2-501** of the Code of Virginia

- Requires local departments of social services to provide each applicant for public assistance, other than energy assistance, with electronic or written and oral information regarding all rights and responsibilities of the applicant related to eligibility for and continued receipt of public assistance and to require the applicant to acknowledge, in a format approved by the Board of Social Services, that such information has been provided.

HB 1042 (Delegate Keam) - Driver's License Extension of Expiration for Military Personnel

Amends § 46.2-221.2 of the Code of Virginia

- Extends the grace period for driver's license expiration from 90 to 180 days after the return from service outside the United States of active duty military personnel, a member of the diplomatic service, or a civilian employee of the U.S. government or a federal agency or contractor.

HB 1092 (Delegate O'Bannon) - Physical Education Requirements

Adds Chapter 786 to the Code of Virginia

- The Board of Education shall develop physical education program guidelines for public elementary and middle schools.
- The Board of Education, in developing the guidelines pursuant to this act, shall work with the American Heart Association, the American Cancer Society, the American Academy of Pediatrics, Virginia Chapter, the Virginia Association of School Superintendents, the Virginia School Boards Association, and other interested stakeholders.
- The Board of Education shall develop the guidelines pursuant to this act **prior to January 1, 2014.**

HB 1107 (Delegate Greason) and SB 656 (Senator McEachin) - Public Schools and Epinephrine

Amends §§ 8.01-225, 22.1-274.2, and 54.1-3408 of the Code of Virginia

- Requires local school boards to adopt and implement policies for the possession and administration of epinephrine in every school. The school nurse or a school board employee may administer the epinephrine to any student believed to be having an anaphylactic reaction. The bill also requires the Department of Health, in conjunction with the Department of Education and the Department of Health Professions, to develop and implement policies for the recognition and treatment of anaphylaxis in the school setting.

HB 1184 (Delegate Rust) - Dual Enrollment for High School Students

Amends §§ 22.1-253.13:1, 22.1-253.13:9, and 23-9.2:3.02 of the Code of Virginia

- Requires local school boards and community colleges to develop agreements allowing high school students to complete an associate's degree or a one-year Uniform Certificate of General Studies from a community college concurrent with a high school diploma.