

**2025**

# **Virginia Department of Juvenile Justice**



**2025 GENERAL ASSEMBLY**

**LEGISLATIVE UPDATE**

**JULY 1, 2025**

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## DIRECT IMPACT ON DJJ

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**HB 2754 / SB 870 (Delegate Singh / Senator Favola): Behavioral health services; correctional facilities, exchange of medical/mental health information.**

- **Impact of Legislation:**

- Amends § 16.1-300 by expanding the list of individuals authorized to inspect otherwise confidential social, medical, psychiatric, and psychological records and reports of youth who have been or who are (i) before the court, (ii) under supervision, (iii) referred to a court service unit, or (iv) receiving services from a court service unit or who are committed to DJJ. The bill will allow the Department of Medical Assistance Services (DMAS) to inspect record information covering the period before and up to 30 days following the individual's release from commitment for the purposes of providing prerelease services, reentry planning, and post-incarceration placement and services. Additionally, the bill will provide similar access to DMAS for medical and mental health information and records from state, local, and regional correctional facilities, and to the state and local departments of social services for such information from local or regional correctional facilities.

## COURTS & CRIMINAL PROCEDURE

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**HB 1553 / SB 896 (Delegate Williams / Senator Stuart): Court of Appeals' procedure on appeal, criminal cases.**

- **Impact of Legislation:**

- Amends § 17.1-407 to remove the requirement that a copy of a notice of appeal to the Court of Appeals in a criminal case be mailed or delivered to the Attorney General.

**HB 1627 / SB 1193 (Delegate Thomas / Senator Deeds): Criminal history record information; dissemination of record information.**

- **Impact of Legislation:**

- Amends § 19.2-389, pertaining to the dissemination of criminal history record information, to provide that the attorney for the Commonwealth shall provide a physical or electronic copy of a person's criminal history record information, including criminal history record information maintained in the National Crime Information Center (NCIC) and the Interstate Identification Index System (III System) that is in his possession, pursuant to the rules of court for obtaining discovery or for review by the court. No criminal history record information provided under this subsection shall be disseminated further.
- Current law provides that nothing shall preclude the dissemination of a person's criminal history record information pursuant to such rules of court but does not require the attorney for the Commonwealth to provide the copy nor identify specific types of information.

**HB 1642 (Delegate Hayes): Artificial intelligence-based tool; definition, use of tool.**

- **Impact of Legislation:**

- Creates a new § 19.2-11.14 to provide that all decisions related to pre-trial detention or release, prosecution, adjudication, sentencing, probation, parole, correctional supervision, or rehabilitation of criminal offenders shall be made by the judicial officer or other person charged with making such decision. No decision shall be made without the involvement of a human decision-maker. The use of any recommendation or prediction from an artificial intelligence-based tool shall be subject to any challenge or objection permitted by law.
- Defines “artificial intelligence-based tool” as any machine-based system or algorithm, including learning models, predictive analytics, and decision support systems, that analyzes data and generates recommendations or decisions.

**HB 1643 (Delegate Hayes): Traffic violations, certain; dismissal for proof of compliance with law.**

- **Impact of Legislation:**

- Amends § 46.2-300, pertaining to driving without a license, to provide that the court may, in its discretion, dismiss the summons or warrant where proof of compliance with the section is provided to the court on or before the court date, unless such person was operating a commercial motor vehicle.
- Amends § 46.2-301, pertaining to driving while license, permit, or privilege to drive is suspended, to provide that the court may, in its discretion and where there have been no prior convictions of the statute within the past 10 years, dismiss the summons or warrant, where proof of compliance with the statute is provided to the court on or before the court date, unless such person (i) possesses a commercial driver’s license or commercial learner’s permit, or (ii) was operating a commercial motor vehicle. Where there has been a prior violation or violations, the court, in its discretion, may dismiss or amend the summons or warrant where proof of substantial compliance has been provided to the court.

**HB 1661 (Delegate Jones): Deferred or installment payment agreements; universal minimum payments.**

- **Impact of Legislation:**

- Amends § 19.2-354.1, pertaining to deferred or installment payment agreements, to provide that if the defendant requests to enter into an installment agreement, the court may offer installment payments of \$25 per month or higher, depending on a defendant’s ability to pay, or less than \$25 per month if the defendant is determined to be indigent.

**HB 1665 (Delegate Jones): Fines, restitution, etc.; criminal and traffic cases, itemized statement.**

- **Impact of Legislation:**

- Creates a new § 19.2-360.1, to provide that the clerk of court, upon written or electronic request, shall provide an itemized statement to any defendant convicted of a traffic violation or a violation of any criminal law, or found not innocent in the case of a juvenile, who is sentenced to pay a fine, restitution, forfeiture, or penalty or assessed any other costs at the time such fine, restitution, forfeiture, penalty, or other costs are

assessed, or within a reasonable time after assessment. The clerk shall also provide an updated statement of the outstanding balances of fines, forfeitures, and penalties, restitution and costs, or payment history upon written or electronic request of the defendant. Any such itemized or updated statement shall be provided to the defendant either in person if he appears in person and furnishes proper identification or by trackable courier service with signature requirement or first-class mail.

- Delayed effective date of January 1, 2026.

**HB 1692 (Delegate Campbell): Virginia Parole Board; investigation of cases for executive clemency.**

- **Impact of Legislation:**

- Amends § 53.1-231, pertaining to investigation of cases for executive clemency by the Parole Board, to add that, upon request by the Parole Board related to an investigation and report, all public bodies engaged in criminal law-enforcement activities shall provide copies of (1) unredacted criminal investigative files, (2) an attorney for the Commonwealth's prosecution files, (3) records of any call for service or other communication to an emergency 911 system or communication with any equivalent reporting system, (4) adult and juvenile arrestee photographs taken during the initial intake following the arrest and as part of the routine booking procedure, (5) information relative to the identity of any individual, to include a juvenile and his personal identifying information, who is arrested and charged, and the status of the charge or arrest, and (6) sealed presentence investigation reports.
- Records of any general district court, juvenile and domestic relations district court, or circuit court and the Department of Forensic Science shall be subject to this statute.
- Records requested from any public body engaged in criminal law-enforcement activities, including any court or state or local government agency, pursuant to this section shall be provided to the Parole Board at no cost.
- The public body must respond to a request for records within 30 working days of receiving the request pursuant to this section.
- Records obtained pursuant to this statute shall be excluded from mandatory public disclosure under the Virginia Freedom of Information Act as working papers and correspondence of the Office of the Governor.

**HB 1712 / SB 1194 (Delegate Watts / Senator Deeds): Law-enforcement agencies and officers; establishing training curriculum on certain arrests.**

- **Impact of Legislation:**

- Amends § 9.1-102, pertaining to powers and duties of the Department of Criminal Justice Services and Criminal Justice Services Board, to add that the Department shall establish a training curriculum for law-enforcement agencies, law-enforcement officers, and special conservators of the peace on the discretion such officers can exercise regarding arrests. Such training shall include (i) instruction on the scope and nature of law-enforcement officer discretion in arrest decisions, with particular emphasis on encounters with individuals experiencing a mental health crisis, including individuals currently subject to an emergency custody order, a temporary detention order, or an involuntary admission order, and (ii) instruction on the immediate and long-term effects of arrests on individuals in need of mental health services due to a

mental health crisis, including impacts on treatment outcomes as identified in substantially accepted peer-reviewed research literature.

- Amends § 19.2-81.3, pertaining to arrest without a warrant authorized in cases of assault and battery against a family or household member and stalking, and for violations of protective orders, to add that “special circumstances” that dictate a course of action other than an arrest include the existence of an emergency custody order, a temporary detention order, or an involuntary admission.
- The Department of Criminal Justice Services shall create the curriculum required by § 9.1-102 by July 1, 2027.
- The Criminal Justice Services Board shall promulgate regulations requiring special conservators of the peace to review any course material or course criteria related to such curriculum by July 1, 2027.

**HB 1728 (Delegate Coyner): Child victims and witnesses; using two-way CCTV.**

● **Impact of Legislation:**

- Amends § 18.2-67.9 to change the findings required for a court to order that the testimony of a qualifying child who is an alleged victim of or witness to certain specified crimes be taken by two-way closed-circuit television (CCTV). Under current law, if the child is a victim of or witness to an alleged kidnapping, criminal sexual assault, commercial sex trafficking, prostitution, or certain specified family offenses under Article 4 of Title 18.2, or if the child is an alleged witness to murder, the Commonwealth’s Attorney or the defendant may ask the court to order that the testimony of the child be taken outside the courtroom and televised by two-way CCTV. This option is available to juvenile victims who were 14 years of age or younger at the time of the alleged offense and 16 years of age or younger at the time of the hearing and witnesses 14 years of age or younger at the time of the hearing. A court may order such juvenile to testify by CCTV if it determines the child is unavailable to testify in open court in the presence of the defendant, jury, judge, and public due to any of the following reasons: 1) the child has persistently refused to testify; 2) the child is substantially unable to communicate about the offense; or 3) expert testimony demonstrates a substantial likelihood that the child will suffer severe emotional trauma from testifying in open court. HB 1728 modifies the third permitted reason by enabling the court to order two-way CCTV testimony if it finds by clear and convincing evidence, based on expert testimony, that the child will suffer at least moderate, rather than severe, emotional trauma from testifying, which must be more than nervousness, excitement, or mere reluctance to testify; such trauma results from testifying in the defendant’s presence, rather than in the courtroom generally; and such trauma would impair the child’s ability to communicate.
- The legislation also seeks to expand the technology by which such testimony may be taken to include other securely encrypted two-way audio and video technology and proposes to change the deadline by which the party seeking the order for testimony by CCTV or other technology must apply from seven days before the trial date to 14 days before the trial.

**HB 1757 / SB 901 (Delegate Hernandez / Senator Perry): Compensation of court-appointed counsel.**

- **Impact of Legislation:**

- Amends § 19.2-163, pertaining to compensation of court-appointed counsel, to clarify that no person found indigent, or child's parents or other persons responsible for the care of a child found indigent, and who is represented by a public defender or court-appointed counsel shall have fees assessed against him for legal representation in an amount greater than the amount such person or such child would have owed if the assessment took place on or before June 30, 2024.

**HB 1781 / SB 1095 (Delegate Sullivan / Senator Jordan): Foreign protective orders in cases of family abuse; enforcement.**

- **Impact of Legislation:**

- Amends § 16.1-253.2, pertaining to violations of provisions of protective orders, to clarify that the same criminal penalty applies for any person who violates the provisions of a foreign protective order in a case of family abuse that is accorded full faith and credit and is enforceable in the Commonwealth as if it were an order of the Commonwealth.

**HB 1845 / SB 804 (Delegate Arnold / Senator McDougle): Limitation on prosecution of a felony due to lapse of time after finding of probable cause; exception.**

- **Impact of Legislation:**

- Amends § 19.2-243, pertaining to limitation on prosecution of felony due to lapse of time after finding of probable cause, to provide that the speedy trial requirement is tolled for an evaluation or restoration to determine a defendant's competency to stand trial.

**HB 1848 (Delegate Arnold): Limitation on prosecution of a felony due to lapse of time after finding of probable cause; certified misdemeanors.**

- **Impact of Legislation:**

- Amends § 19.2-243, pertaining to limitation on prosecution of felony due to lapse of time after finding of probable cause, to provide that the existing speedy trial protections applicable to a felony prosecution also apply to a misdemeanor certified to circuit court.

**HB 1882 / SB 957 (Delegate Sewell / Senator Perry): Protective orders; military protective orders.**

- **Impact of Legislation:**

- Amends §§ 16.1-253.1 and 19.2-152.9 to permit a court to issue a preliminary protective order upon evidence of a Military Protective Order issued by a commanding officer in the Armed Forces of the United States, the Virginia National Guard, or the National Guard of any other state in favor of the petitioner or the petitioner's family or household members.

- Provides that a Military Protective Order issued between the parties shall only be admissible or considered as evidence in accordance with the Code of Virginia, the Rules of Evidence of the Supreme Court of Virginia, or other relevant Virginia case law.
- Amends §§ 16.1-253.2 and 18.2-60.4 to require a law-enforcement agency, upon a defendant's violation of a protective order, if such Military Protective Order was issued against the same defendant as a protective order in a Virginia court and registered with the National Crime Information Center (NCIC), to inform the military law-enforcement officer or agency that issued and entered the Military Protective Order into NCIC of such violation.

**HB 1914 (Delegate Sullivan): Compensation for wrongful incarceration; compensation for certain intentional acts.**

- **Impact of Legislation:**

- Amends § 8.01-195.13 to provide that the instrumentality, political subdivision, or employee responsible for employing the individual who committed an intentional act shall compensate the wrongfully incarcerated individual. Under current law, additional compensation for intentional acts shall not become effective unless and until the wrongfully incarcerated person enters into an agreement with the instrumentality or political subdivision that committed or employed the individual committing the intentional act to provide such compensation. If the instrumentality or subdivision fails to compensate the individual, the bill authorizes the Governor to issue an order to the Comptroller to withhold all payments of appropriated funds to the instrumentality or political subdivision until such compensation has been paid. The bill also amends § 8.01-195.11 to provide that any compensation an individual receives for wrongful registration with the Sex Offender and Crimes Against Minors Registry only applies to the years that the individual was registered after release from incarceration.

**HB 1968 / SB 1200 (Delegate Delaney / Senator Deeds): Victims of crime; compensation, extends time for filing a claim.**

- **Impact of Legislation:**

- Amends 19.2-368.5 to extend, for the purpose of compensating victims of crime, the time for filing a claim by the claimant to not later than three years after the occurrence of the crime upon which such claim is based, or not later than three years after the death of the victim. Under current law, such time frame is not later than one year after either instance.
- Amends § 19.2-368.10 of the bill to remove the prohibition on the Virginia Workers' Compensation Commission (the Commission) making an award where the police records show that a crime was reported more than 120 hours after the occurrence of the crime unless the Commission, for good cause shown, finds the delay to have been justified. Also, the bill requires the Commission, in determining if a report was promptly reported to the proper authorities, to consider (i) any police records; (ii) the victim's physical, emotional, mental, and family situation; and (iii) the existence of a permanent protective order, issued pursuant to relevant law, for



the victim or other persons eligible for awards from the person responsible for the qualifying crime.

- The bill also removes the ability of the Commission to deny, reduce, or withdraw any award upon finding that any claimant or award recipient has not fully cooperated with all law-enforcement agencies, unless the law-enforcement agency certifies that the claimant or award recipient was willing but unable to cooperate due to a good faith belief that such cooperation would have endangered such claimant or award recipient and such claimant or award recipient was not provided with any victim or witness protection services when such protection services were requested by a law-enforcement agency.

**HB 2096 (Delegate Hope): Intelligent Speed Assistance Program; established, penalty.**

- **Impact of Legislation:**

- Establishes, under a new § 46.2-507, the Intelligent Speed Assistance Program to be administered by the Commission on the Virginia Alcohol Safety Action Program. The bill authorizes enrollment in such Program as an alternative to suspending a person's driver's license upon such person's conviction of certain speed-related offenses. The bill requires a court to order enrollment in such Program for a person convicted of reckless driving and who was found to have been driving in excess of 100 miles per hour. The bill requires the Commissioner of the Department of Motor Vehicles to provide the option, in a written notice, for enrollment in such Program instead of license suspension for a person who has accumulated certain amounts of demerit points, and if such person does not respond to such written notice within 30 days, the bill requires such suspension of his license. The bill requires any person enrolled in the Program to enter into and successfully complete the Program and install an intelligent speed assistance system, defined in the bill, in any motor vehicle owned by or registered to the participant and prohibits such person from driving any motor vehicle that does not have such a system installed. The bill creates a Class 1 misdemeanor for tampering with or attempting to bypass or circumvent such a system. The bill provides that any person who enters into the Program prior to trial may pre-qualify with the Program to have an intelligent speed assistance system installed on any motor vehicle owned or operated by him and that the court may consider such pre-qualification and installation.
- The bill has a delayed effective date of July 1, 2026.

**HB 2123 (Delegate Maldonado): Protective orders in cases of family abuse; maximum time valid.**

- **Impact of Legislation:**

- Amends § 16.1-279.1, pertaining to protective orders in cases of family abuse, to provide that if the court finds, based upon evidence presented, that the respondent has been subject to a protective order issued within 10 years, the protective order may be issued for a specified period of time up to a maximum of 4 years. The court may extend the protective order for a period of 2 years regardless of whether such order was initially issued for a period of time up to a maximum of 2 years or 4 years. Current law allows such protective orders to be issued for a specified period of time up to a maximum of two years and extended for a period of time not longer than two years.



**HB 2130 (Delegate Keys-Gamarra): Juvenile respondent in protective order proceeding; other dispositions.**

- **Impact of Legislation:**

- Allows courts, either on their own motion or on motion of the attorney or guardian ad litem representing the juvenile respondent, in all cases in which a protective order is taken out against a juvenile in accordance with §§ 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9 and 19.2-152.10, to order the local board of social services to provide services to the juvenile respondent and the respondent's family.

**HB 2177 (Delegate Walker): Unmanned aircraft systems; use by public bodies, certain employees.**

- **Impact of Legislation:**

- Amends § 19.2-60.1, which allows the use of unmanned aircraft by law-enforcement under certain circumstances, to add that law-enforcement may use an unmanned aircraft when investigating unmanned aircraft systems surrounding or over property of the federal or state government, public critical infrastructure, or non-government-operated prison or jail facilities.

**HB 2222 / SB 1255 (Delegate Cousins / Senator Bagby): Use of restraints on juveniles in court prohibited, exceptions.**

- **Impact of Legislation:**

- Adds a new section 16.1-276.4 to prohibit, with some exceptions, the use of "instruments of restraint" on a juvenile during a delinquency proceeding in a juvenile and domestic relations district court unless, upon motion of the attorney for the Commonwealth or on the court's own motion sua sponte, the court orders the use of restraints prior to the juvenile's appearance in the courtroom in accordance with certain exceptions enumerated in the bill. The bill defines "instruments of restraint" to include handcuffs, chains, irons, straightjackets, and electronic restraint devices. The bill provides that the court may order, prior to the juvenile's appearance in court, the use of instruments of restraint on a juvenile upon making a finding that i) the use of such restraints is necessary (a) to prevent physical harm to such juvenile or another person, (b) because such juvenile has a history of disruptive courtroom behavior that has placed others in potentially harmful situations or presents a clear and substantial threat of serious harm to himself or others as evidenced by recent behavior, or (c) because such juvenile presents a substantial risk of flight from the courtroom, and (ii) there are no less restrictive alternatives to such restraints that will prevent flight of or harm to such juvenile or another person, including court personnel or law-enforcement officers. The bill provides that the juvenile shall be entitled to an attorney prior to a hearing on the use of instruments of restraint. Finally, the bill provides that the court shall provide the juvenile's attorney with an opportunity to be heard before the court orders the use of instruments of restraint and the juvenile's attorney may waive the juvenile's appearance at the hearing. If such restraints are ordered, the court must communicate the basis of the decision either orally or in writing.

**HB 2242 (Delegate Callsen): Probationer; arrest without a warrant, timeframe for service of process.**

- **Impact of Legislation:**

- Amends § 53.1-149, to provide that upon the arrest of a probationer, the probation officer shall forthwith, but in all cases no later than three business days after the arrest of the probationer, (i) submit a copy of any written statement alleging a violation of the terms and conditions of parole or probation, including all relevant case numbers, to the local attorney for the Commonwealth and the clerk of court for the circuit court responsible for supervision of the probationer and advise such persons of his arrest and (ii) request the circuit court of the sentencing jurisdiction to promptly issue a capias or bench warrant for the alleged violation contained in the written statement.

**HB 2252 / SB 936 (Delegate Williams / Senator Craig): Decreasing probation period; criteria for mandatory reduction, effective clause, report.**

- **Impact of Legislation:**

- Amends § 19.2-304 to establish criteria for which a defendant's supervised probation period shall be reduced, including completing qualifying educational activities, maintaining verifiable employment, complying with or completing any state-certified or state-approved mental health or substance abuse treatment program, securing and maintaining qualifying health insurance or a qualifying health care plan, and obtaining housing and establishing residence. The bill provides that a court may decrease a defendant's probation period if warranted by the defendant's conduct and may do so without a hearing, but the court may also revoke any credits accrued after a hearing for any reason the court deems necessary and in the interest of the health and safety of the public.
- The enactment clause requires the Department of Corrections to meet with all relevant stakeholders and report to the General Assembly on (i) current practices for community supervision as it relates to monitoring engagement and attainment included in Executive Order 36 (2024) and (ii) recommendations for court-ordered modification of time served on supervised probation. However, no recommendation shall be considered that allows the probationer (a) to receive credits while being in technical violation of his probation or (b) to receive more than 150 days of credit in one calendar year for a modified term. The work group shall take into consideration the impact of a reduced period of supervised probation on probationers who were released from incarceration due to sentence reductions pursuant to relevant law. The work group shall submit an executive summary and report of its findings and recommendations to the Governor and the General Assembly by November 1, 2025.
- Except for the provision requiring the Department of Corrections to meet with all relevant stakeholders and report to the Governor and General Assembly, the provisions of the bill do not become effective unless reenacted by the 2026 Session of the General Assembly.

**HB 2260 (Delegate Delaney): Child in need of services; expands definition.**

- **Impact of Legislation:**

- Expands the definition of “child in need of services” in § 16.1-228 of the Code so that it also includes a child who remains away from or deserts or abandons the child’s family or lawful custodian on a single occasion, provided the child is “demonstratively at risk of coercion, exploitation, abuse, or manipulation or has been lured from his parent or lawful custodian through trickery, misrepresentation, or under false pretenses.” Under current law, the definition includes (i) a child whose behavior, conduct, or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under age 14 whose behavior, conduct, or condition presents or results in a serious threat to the well-being and physical safety of another person.

**HB 2322 (Delegate Davis): Appointment of counsel for accused; felonies punishable by mandatory term of confinement.**

- **Impact of Legislation:**

- Amends § 19.2-160.1 to add that in any case in which an indigent defendant is charged with a felony punishable by a mandatory minimum term of confinement for life in a jurisdiction in which a public defender office is established, upon request for the appointment of counsel and in the absence of a conflict, the court shall appoint the public defender office to represent the defendant as well as a competent, qualified, and experienced attorney from the list maintained by the Indigent Defense Commission to serve as co-counsel. If the jurisdiction does not have a public defender office, the court shall appoint two competent, qualified, experienced attorneys from the list maintained by the Indigent Defense Commission. Under current law, these requirements already exist for an indigent defendant charged with a Class 1 felony.

**HB 2328 (Delegate Simonds): Admission to bail; pregnant persons or persons who have recently given birth.**

- **Impact of Legislation:**

- Amends § 19.2-120, pertaining to admission to bail, to require the judicial officer to consider any evidence the person provided indicating that such person is currently pregnant, has recently given birth, or is currently nursing a child.

**HB 2393 / SB 1460 (Delegate Mundon King / Senator Locke): Human trafficking; issuance of writ of vacatur for victims.**

- **Impact of Legislation:**

- Makes several changes to Chapter 19.4 of Title 18.2, pertaining to the issuance of a writ of vacatur for victims of human trafficking. The bill also makes amendments that generally transform the Chapter from one pertaining to sex trafficking to one pertaining, more broadly, to human trafficking.
- Amends § 19.2-327.15, to expand the definition of “qualifying offense” to include a conviction or adjudication of delinquency for any attempted, completed, or conspired (i) violation of § 18.2-250 (possession of controlled substances) or (ii) misdemeanor violation of § 18.2-96 (petit larceny), 18.2-102 (unauthorized use of animal, aircraft,

vehicle or boat), or 18.2-103 (concealing or taking of merchandise, altering price tags, transferring goods from one container to another); subsection A of § 18.2-108 (buying, receiving, concealing stolen goods); § 18.2-108.01 (larceny with intent to sell or distribute), 18.2-117 (failure of bailee to return animal, aircraft, vehicle, or boat), 18.2-118 (fraudulent conversion or removal of leased personal property), 18.2-119 (trespass after having been forbidden to do so), 18.2-137 (injuring any property, monument, etc.), 18.2-146 (breaking, injuring, defacing, destroying, or preventing the operation of vehicle, etc.), 18.2-147 (entering or setting in motion, vehicle, aircraft, etc.), 18.2-160.2 (trespassing on public transportation), 18.2-173 (having in possession forged coin or bank notes), 18.2-178 (obtaining money or signature, etc., by false pretense), 18.2-181 (issuing bad checks, etc., larceny), or 18.2-186.2 (false statements or failure to disclose material facts in order to obtain aid or benefits under any local, state or federal housing assistance program); subdivision B 1 of § 18.2-186.3 (fraudulently obtain, records, or access identifying information that is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person); § 18.2-195 (credit card fraud), 18.2-197 (criminally receiving goods and services fraudulently obtained), 18.2-206 (procuring an animal, aircraft, vehicle or boat with intent to defraud), 18.2-258 (certain premises deemed common nuisance), 18.2-266.1 (persons under 21 driving after illegally consuming alcohol), 18.2-346 (prostitution) or, 18.2-347 (keeping, residing in, or frequenting a bawdy place), 18.2-349 (using vehicles to promote prostitution), 18.2-388 (public intoxication), 18.2-415 (disorderly conduct), 46.2-300 (driving without a license), or 46.2-301 (driving while license, permit or privilege to drive suspended); or subdivision A 1, 2, or 3 of § 46.2-346 (display or use of fake driver's license, lending one's driver's license to another, or display or use of driver's license of another)

- Note: Only §§ 18.2-346 (prostitution) and 18.2-347 (keeping, residing in, or frequenting a bawdy place) pre-existed this bill.
- Further amends § 19.2-327.15 to add a definition for “sex trafficking,” defined as the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act that is induced by force, fraud, or coercion or in which the person induced to perform such act has not attained 18 years of age and by adding a definition for “labor trafficking,” defined as the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to debt bondage, involuntary servitude, peonage, or slavery. It then changes the existing defined term “victim of sex trafficking” to “victim of human trafficking” and amends the definition to mean any person subjected to an act or the practice of labor trafficking or sex trafficking, regardless of whether any other person has been charged or convicted of an offense related to the labor trafficking or sex trafficking of such person.
- Amends § 19.2-327.17, pertaining to contents and form of the petition for vacatur, to provide that the relevant allegations of facts contained in the petition shall include a short, plain statement demonstrating (i) that the petitioner is entitled to relief under this chapter; (ii) the identity of the human trafficker, to the best of the petitioner's

- knowledge; (iii) the approximate date, time, place, and manner in which the petitioner became a victim of human trafficking; (iv) the petitioner's age at the time he became a victim of human trafficking; (v) how the petitioner became involved in the activities resulting in his arrest, prosecution, and conviction or adjudication; and (vi) that the petitioner has ceased to be a victim of human trafficking or has sought rehabilitative services. The bill also adds that such statement shall be filed under seal and provided only to the circuit court and the attorney for the Commonwealth of the city or county in which the petition is filed. The attorney for the Commonwealth may provide the information provided in such statement, except for the petitioner's identity, to any law-enforcement agency to investigate or prosecute criminal activity. The identity of the petitioner shall only be provided to law enforcement upon notice to the petitioner and an order of the circuit court authorizing such disclosure. Nothing in this subsection shall be construed to mandate a petitioner's cooperation with law enforcement in any resulting investigation or prosecution.
- Amends § 19.2-327.18, pertaining to the hearing on petition for vacatur, to add that, prior to any decision to grant the writ, the court shall determine whether any restitution is unpaid under the terms of the sentencing order for the qualifying offense. If the court grants the writ, the petitioner shall be forever discharged from any such restitution obligation, and the victim, as defined in § 19.2-11.01, of the qualifying offense shall be deemed a victim of crime as defined in § 19.2-368.2. Such victim shall be eligible to petition for awards pursuant to Chapter 21.1 (§ 19.2-368.1 et seq.), and his claim for restitution reimbursement shall be deemed to accrue on the date the court grants the writ.
  - Amends § 19.2-327.19, pertaining to relief under writ of vacatur, to provide that the records of the proceedings, along with the writ, cannot be expunged as can the underlying qualifying offense. Access to the record of proceedings can be provided only upon court order. Any person seeking access to the record of the proceedings may file a motion setting forth why such access is needed. The court may issue an order to disclose the writ or the record of the proceedings if it finds that such disclosure best serves the interests of justice. Finally, the bill provides that if the court issues the writ, the petitioner shall be entitled to a refund of all fines, but not costs and forfeitures.

**HB 2472 / SB 1261 (Delegate Batten / Senator Bagby): Juveniles; fingerprints, palm prints, and photographs, effective date.**

- **Impact of Legislation:**

- Makes numerous changes to § 16.1-299 of the Code, which addresses fingerprints and photographs of juveniles. The bill will mandate that the fingerprints and photographs law-enforcement officers must obtain when taking juveniles into custody and charging them with delinquent acts must be electronic, when possible. Additionally, the bill will expand the scope of the statute so that its provisions also apply to palm prints, thus requiring law-enforcement officers, when possible, to obtain electronic palm prints with accompanying distal prints, if available; that palm prints be maintained separately from adult records; that copies of palm prints be destroyed in cases that do not result in a petition or warrant being filed against a juvenile; and that all copies of the palm prints

be destroyed in a delinquency charge other than a violent juvenile felony or ancillary offense resulting in an adjudication of nongUILTY or any other case resulting in a disposition for which fingerprints need not be forwarded to the CCRE. The bill will mandate that photographs taken in connection with this statute be maintained separately from adult records and that copies of fingerprints, palm prints, and photographs filed with the juvenile court contain the document control number. Additionally, the bill will direct law-enforcement officers to file a copy of the fingerprints, palm prints or photographs taken electronically, when possible, to the state police, who will need to maintain all records in a confidential and secure area in the record system that is inaccessible from routine use and accessible only by the records' manager or their designee. The bill strikes language in the current statute directing the clerk of the court that heard cases resulting in felony convictions, felony delinquency adjudications, dismissals by deferred disposition of felony offenses; or convictions for other offenses requiring reporting to the CCRE pursuant to subsection C of § 19.2-390, to send copies of the juvenile's fingerprints to the CCRE and the jurisdiction making the arrest, and adds language directing electronic forwarding of disposition reports for such cases to the CCRE. The bill will require the police authority that obtained the fingerprints, palm prints, or photographs to instruct the state police electronically, when possible, to destroy their records, which must be done as soon as possible upon receiving the notification. The bill contains a delayed effective date of July 1, 2026.

**HB 2546 (Delegate Rasoul): Electronic communication service or remote computing service; obtaining records without a warrant.**

- **Impact of Legislation:**

- Amends § 19.2-70.3(E), which sets forth specific circumstances in which, when disclosure of real-time location data or subscriber data is not prohibited by federal law, an investigative or law-enforcement officer may obtain real-time location data or subscriber data without a warrant, to add, as an additional, permissible circumstance, if the investigative or law-enforcement officer reasonably believes that (i) an individual or group of individuals has made a credible threat via electronic communication to commit an act of violence upon the property, including the buildings and grounds thereof, of any (a) child day center, as defined in § 22.1-289.02, including any preschool program offered by a publicly funded provider; (b) any preschool or nursery school program certified by the Board of Education pursuant to § 22.1-289.032; or (c) public, private, or religious elementary or secondary school, as defined in § 22.1-1, and (ii) a warrant cannot be obtained in time to prevent the identified danger or identify the source of the threat.

**HB 2560 (Delegate Lopez): Defendant; notifying consequences criminal proceedings can have on immigration.**

- **Impact of Legislation:**

- Creates a new § 19.2-271.7 to provide that upon the defendant's first physical appearance for any misdemeanor or felony, the court shall advise the defendant that the outcome of criminal proceedings may have federal immigration and naturalization consequences.



**HB 2596 (Delegate Rasoul): Appointment of guardian ad litem; child in need of services or supervision.**

- **Impact of Legislation:**

- This Section 1 bill will direct the Office of the Executive Secretary of the Supreme Court of Virginia to notify all attorneys qualified for appointment as guardians ad litem as of July 1, 2025, that if appointed to represent a child alleged in need of services or supervision, the attorney should be familiar with the statutes providing the dispositional alternatives for juvenile courts regarding such children.

**HB 2652 (Delegate Davis): Bail and recognizance; appeal of conviction.**

- **Impact of Legislation:**

- Amends §§ 16.1-135 and 19.2-125 to provide that the court shall not require any new bond for the release of a person who has been convicted of an offense in a district court and has noted an appeal.

**HB 2692 (Delegate Glass): Custodial interrogations; false statements to a child prohibited, inauthentic replica documents.**

- **Impact of Legislation:**

- Amends §§ 16.1-247.1, pertaining to custodial interrogation of a child, parental notification and contact, and inadmissibility of statement, to add that a law-enforcement officer shall be prohibited from knowingly and intentionally making false statements about any known material fact, including by use of inauthentic replica documents, prior to or during a custodial interrogation of a child in order to secure the cooperation, confession, or conviction of such child. As used in this subsection, "inauthentic replica documents" means any documents, including computer-generated documents, created by any means, including artificial intelligence, by a law-enforcement officer or his agent that (i) contain a false statement, signature, seal, letterhead, or contact information or (ii) materially misrepresent any fact. If a law-enforcement officer knowingly violates this prohibition, any statements made by the child shall be inadmissible in any delinquency proceeding or criminal proceeding against such child, unless the attorney for the Commonwealth proves by a preponderance of the evidence that the statement was made knowingly, intelligently, and voluntarily.

**HB 2723 / SB 1466 (Delegate Herring / Senator Surovell): Criminal records; expungement and sealing of records, repeals Sealing Fund.**

- **Impact of Legislation:**

- Amends numerous statutes related to the expungement and sealing of criminal records that are scheduled to become effective on July 1, 2025. In addition, the bill requires (i) the Department of State Police to develop a secure portal for the purpose of allowing government agencies to determine whether a record has been sealed prior to responding to a request pursuant to current law by October 1, 2026; (ii) the Virginia Indigent Defense Commission to (a) educate and provide support to public defenders and certified court-appointed counsel on expungement and sealing, (b) conduct trainings

- on expungement and sealing across the Commonwealth, (c) develop a library of resources on expungement and sealing for use by public defenders and court-appointed counsel, and (d) post information regarding expungement and sealing for use by the public on its website; and (iii) the Department of State Police, Department of Motor Vehicles, Office of the Executive Secretary of the Supreme Court of Virginia, and clerk of any circuit court to provide data and information on sealing upon request of the Virginia State Crime Commission for purposes of monitoring and evaluating the implementation and impact of the sealing processes. The bill also directs (1) the Office of the Executive Secretary of the Supreme Court of Virginia to collect data related to petitions filed pursuant to relevant law, (2) the Virginia State Crime Commission to analyze data and information collected on automatic and petition sealing and report to the General Assembly by the first day of the 2026 Regular Session, and (3) the Virginia State Crime Commission to continue its study on the sealing of criminal records and report its work to the General Assembly by the first day of the 2026 Regular Session.
- The bill repeals the Sealing Fee Fund and directs any money in such Fund to be reverted to the general fund. The bill contains a delayed effective date of July 1, 2026, for the provisions related to the sealing of former possession of marijuana offenses without entry of a court order and the sealing of charges and convictions related to automatic sealing and such petitions. Lastly, the bill delays the repeal of the relevant law related to marijuana possession, limits on dissemination of criminal history record information, and prohibited practices by employers, educational institutions, and state and local governments until January 1, 2026.
  - The Enactment Clause directs that the Virginia State Crime Commission shall continue its study on the sealing of criminal records and shall (i) identify methods to educate the public on sealing eligibility requirements and processes; (ii) consult with the Virginia State Bar and other stakeholders to identify methods to provide information, resources, and pro bono legal consultations and assistance with sealing to the public; (iii) to the extent possible, conduct trainings on sealing for stakeholders upon request; (iv) review any other relevant matters that arise during the course of the study; and (v) report on its work on the study by the first day of the 2026 Regular Session of the General Assembly.

**HB 2729 / SB 1327 (Delegate Hope / Senator Diggs): Judges; maximum number in each judicial circuit.**

- **Impact of Legislation:**

- Amends § 16.1-69.6:1 to increase the number of judges in the Second Judicial Circuit's (Virginia Beach) Juvenile and Domestic Relations District Court from 6 to 7.

**HB 2748 (Delegate Herring): Automatic license plate recognition systems; use, reports, penalty.**

- **Impact of Legislation:**

- Creates a new § 2.2-5517, covering the use of automatic license plate recognition systems by law-enforcement agencies.



- Requires the Division of Purchases and Supply of the Department of General Services to determine and approve the automatic license plate recognition systems, defined in the bill, for use in the Commonwealth and provides requirements for use of such systems by law-enforcement agencies. The bill limits the use of such systems by law-enforcement agencies to the following purposes: (i) as part of a criminal investigation into an alleged criminal violation of the Code of Virginia or any ordinance of any county, city, or town where there is a reasonable suspicion that a crime was committed; (ii) as part of an active investigation related to a missing or endangered person, including whether to issue an alert for such person, or a person associated with human trafficking; or (iii) to receive notifications related to a missing or endangered person, a person with an outstanding warrant, a person associated with human trafficking, a stolen vehicle, or a stolen license plate.
- The bill requires annual reports from law-enforcement agencies using such systems that provide de-identified information concerning the use of the systems and from the State Police that aggregate such information statewide beginning April 1, 2027. The bill also requires a law-enforcement officer or State Police officer to collect data on whether a stop of a driver of a motor vehicle or stop or temporary detention of a person was based on a notification from an automatic license plate recognition system prior to such stop and if so, the specific reason for the notification as set forth in relevant law.
- The provisions of the bill that require a law-enforcement agency to obtain a permit from the Department of Transportation in accordance with regulations of the Commonwealth Transportation Board before installing an automatic license plate recognition system on a state right-of-way do not become effective unless reenacted by the 2026 Session of the General Assembly. Except for provisions requiring (a) the Division to determine and approve automatic license plate recognition systems for use in the Commonwealth, which shall become effective on July 1, 2026, and (b) law-enforcement officers to collect data on whether a stop was based on a notification from an automatic license plate recognition system, which shall become effective January 1, 2026, the provisions of the bill become effective in due course. The bill requires the Division, in consultation with the Virginia Information Technologies Agency, to determine such systems for use in the Commonwealth and publicly post a list of such systems by January 1, 2026. Finally, the bill requires the Virginia State Crime Commission to collect data and conduct surveys of law-enforcement agencies to assess the use of automatic license plate recognition systems and report its findings by the first day of the 2026 Regular Session and again on November 1, 2026.

**SB 847 (Senator Carroll Foy): Reckless driving; improper driving as a lesser included offense.**

- **Impact of Legislation:**

- Amends § 46.2-869, which currently allows the court to find a person not guilty of reckless driving but guilty of improper driving and further allows the attorney for the Commonwealth to reduce a charge for reckless driving to improper driving at any time

prior to the court's decision, to also allow the jury to find the accused not guilty of reckless driving but guilty of improper driving.

**SB 852 (Senator Craig): Photo speed monitoring devices, proof of violation affirmed by retired law-enforcement officials.**

- **Impact of Legislation:**

- Amends § 46.2-882.1 to allow that when a photo speed monitoring device is used, the certificate that constitutes prima facie evidence of the speed violation, can be sworn to or affirmed by a retired sworn law-enforcement officer. Current law only allows it to be sworn to or affirmed by a law-enforcement officer.

**SB 965 (Senator Carroll Foy): District courts; recordings of proceedings.**

- **Impact of Legislation:**

- Amends § 16.1-69.35:2, which allows a party or counsel to make an audio recording of proceedings in general district court, to extend this allowance to juvenile and domestic relations court as well. The judge may impose any restriction as necessary to comply with applicable confidentiality requirements. Further, no judge of a district court shall (i) order or require a party or his counsel to submit a copy of an audio recording made pursuant to this section or a transcript of such recording to the clerk of a district court to be maintained in such party's individual case file or (ii) prohibit a party or his counsel from providing such copy or transcript of such recording to the opposing party or his counsel.

**SB 1006 (Senator Surovell): Driving while intoxicated; pre-conviction ignition interlock for certain offenders.**

- **Impact of Legislation:**

- Amends § 18.2-271.1 to permit a first-time or second-time offender charged with driving while intoxicated to obtain an ignition interlock pre-conviction. The bill allows the installation period of time accrued by such offender prior to trial for the pending charge to count toward any (i) ignition interlock or restricted license period of time ordered by the court or (ii) restricted license, suspension, or revocation issued by the Department of Motor Vehicles pursuant to relevant law. Current law prohibits the installation of an ignition interlock system until a court issues a restricted license.

**SB 1277 (Senator Perry): Minor witnesses; appointment of guardian ad litem in circuit court.**

- **Impact of Legislation:**

- Amends § 8.01-396.2, pertaining to minor witnesses, to add that a circuit court may appoint a guardian ad litem when a minor witness is called to testify in any proceeding before the circuit court involving a criminal sexual assault, commercial sex trafficking or prostitution, or family offenses. Under current law, a general district court may appoint a guardian ad litem for a minor witness called to testify in any proceeding and the circuit court may continue the appointment or appoint a new guardian ad litem for such matter on appeal.

**SB 1392 (Senator Stuart): Ignition interlock system; duration.**

- **Impact of Legislation:**

- Amends § 18.2-270.1, pertaining to ignition interlock systems, to increase the period of time during which a person, as a condition of a restricted license, is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system from not less than six consecutive months to not less than 12 consecutive months without alcohol-related violations of the interlock requirements.

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## CRIME

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**HB 1549 / SB 750 (Delegate Green / Senator Diggs): Vehicle operation; authorizing operation of a motor vehicle by an unlicensed minor, penalty.**

- **Impact of Legislation:**

- Amends § 46.2-301.1 to provide that any person who knowingly authorizes the operation of a motor vehicle by a minor who he knows has no operator's license or learner's permit or who has a learner's permit but who he knows will operate such motor vehicle in violation of any provision of § 46.2-335 is guilty of a Class 1 misdemeanor if such violation results in a motor vehicle accident that causes injury or death to any person, provided that such violation does not otherwise constitute a felony. Existing law prohibits any person from knowingly authorizing the operation of a motor vehicle by any person who the authorizing person knows (i) has had his operator's license or permit suspended or revoked or (ii) has no operator's license or permit and has been previously convicted of driving without a license.

**HB 1583 (Delegate Ballard): Threats to discharge a firearm within or at buildings or means of transportation; penalties.**

- **Impact of Legislation:**

- Amends § 18.2-83 to provide that any person (i) who makes and communicates to another by any means any threat to bomb, burn, destroy, discharge a firearm within or at, or in any manner damage any place of assembly, building or other structure, or means of transportation or (ii) who communicates to another, by any means, information, knowing the same to be false, as to the existence of any peril of bombing, burning, destruction, discharging of a firearm within or at, or damage to any such place of assembly, building or other structure, or means of transportation is guilty of a Class 5 felony, provided, however, that if such person is under 18 years of age, he is guilty of a Class 1 misdemeanor. Under current law, any person 15 years of age or older (a) who makes and communicates to another by any means any threat to bomb, burn, destroy, or in any manner damage any place of assembly, building or other structure, or means of transportation or (b) who communicates to another, by any means, information, knowing the same to be false, as to the existence of any peril of bombing, burning, destruction, or damage to any such place of assembly, building or other structure, or means of transportation is guilty of a Class 5 felony.

**HB 1715 / SB 939 (Watts / Senator Salim): Mail theft; definitions, penalty.**

- **Impact of Legislation:**

- Creates a new § 18.2-110.1, pertaining to mail theft, to make it a Class 6 felony for any person to (i) knowingly, willfully, and with the intent to deprive, injure, damage, or defraud another (a) take, destroy, hide, or embezzle mail or (b) obtain any mail by fraud or deception; (ii) buy, receive, conceal, or possess (a) mail and knows or reasonably should know that the mail was unlawfully taken or obtained; (b) any key he knows or reasonably should know is suited to any lock adopted by the United States Postal Service that provides access to any mail receptacle located in a cluster mailbox unit or other mailbox panel used for the purpose of centralized mail in any neighborhood, including any condominium or apartment complex; or (c) a counterfeit device or key designed to provide access to any lock; or (iii) knowingly, willfully, and with the intent to steal any mail inside damages, opens, removes, injures, vandalizes, or destroys any mail receptacle.

**HB 1726 / SB 757 (Delegate Price / Senator Locke): Trespass with unmanned aircraft system; definitions, contracted defense facility, penalty.**

- **Impact of Legislation:**

- Amends § 18.2-121.3, pertaining to trespass with an unmanned aircraft system, to add that it is a Class 4 felony for any person to knowingly, intentionally, and without authorization cause an unmanned aircraft system to enter the property of and obtain or attempt to obtain any videographic or still image that contains or reveals any controlled technical information located within a contracted defense facility. The owner or operator of a contracted defense facility and its employees shall be immune from criminal prosecution and civil liability as a result of preventing, stopping, deterring, interrupting, or repelling an unmanned aircraft system from entering the property of such contracted defense facility, provided that such action does not result in injury to any person.

**HB 1946 / SB 1060 (Delegate Hope / Senator Ebbin): Retail tobacco and hemp products; smoking by person younger than 21 years of age.**

- **Impact of Legislation:**

- Creates a new § 18.2-371.2:1 to provide that no person younger than 21 years of age shall possess any retail tobacco product or hemp product intended for smoking. Any retail tobacco product or hemp product intended for smoking possessed in violation of this section shall be deemed contraband and may be seized by a law-enforcement officer. Any such product, the lawful possession of which is not established, seized by such officer shall be forfeited and disposed of. The seizure of such contraband shall be the sole penalty for a violation of this section. The provisions of this section shall not preclude prosecution under any other section.
- Amends § 58.1-1021.04:1 to provide that if a person does not receive a license from the Department of Taxation to sell, deal, transport, or ship liquid nicotine or nicotine vapor products to retailers in the Commonwealth, such person is subject to a penalty of \$400, in addition to any other applicable taxes or fees.

- Provides that the Department of Taxation shall not be required to conduct an unannounced investigation at least once every 24 months to verify that a retail dealer is not selling retail tobacco products to persons under 21 years of age.
- The Department of Taxation shall convene a work group consisting of representatives of the Alcoholic Beverage Control Authority, the Office of the Attorney General, the Virginia State Police, and the Department of Behavioral Health and Developmental Services to develop an enforcement program to address the sale of retail tobacco products and hemp products intended for smoking to persons under 21 years of age. The work group shall consider and report on the following factors: (i) the frequency of licensee inspections in Virginia and other states, (ii) licensee compliance rates with underage enforcement in Virginia and other states, (iii) one-time and ongoing costs of any enforcement program recommendations, and (iv) potential sources of revenue to support such enforcement program. The Department shall report the findings and recommendations of the work group to the Chairs of the House Committees on General Laws and Appropriations and the Senate Committees on Rehabilitation and Social Services and Finance and Appropriations no later than November 1, 2025.

**HB 1955 / SB 888 (Delegate Gardner / Senator Perry): Manufacturing, selling, giving distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance prohibited; penalties.**

- **Impact of Legislation:**

- Amends § 18.2-248 to remove the distinction between cocaine, which refers to powder cocaine, its salts, optical and geometric isomers, and salts of isomers and a mixture or substance that contains cocaine base, which refers to crack cocaine, for the offense of manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance.

**HB 1998 (Delegate Walker): Sexual extortion.**

- **Impact of Legislation:**

- Amends § 18.2-59.1, pertaining to sexual extortion, to add that it is a Class 5 felony for a person to maliciously threaten eviction, loss of housing, property damage, or any financial loss with the intent to cause the complaining witness to engage in sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, inanimate or animate object sexual penetration, or an act of sexual abuse, and thereby engages in sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, inanimate or animate object sexual penetration, or an act of sexual abuse. Any adult who commits such an offense with a person under the age of 15 is guilty of a felony punishable by confinement in a state correctional facility for a term of not less than one nor more than 20 years and by a fine of not more than \$100,000.

**HB 2117 (Delegate Keys-Gamarra): Experiencing or reporting an overdose or act of sexual violence; arrest and prosecution.**

- **Impact of Legislation:**

- Amends § 18.2-251.03 to provide that no individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or consumption of alcohol, unlawful purchase, possession, or consumption of marijuana, possession of a controlled

substance, intoxication in public, or possession of controlled paraphernalia if (1) such individual, in good faith, seeks or obtains assistance for himself or another individual from emergency medical services personnel, a health care provider, or a law-enforcement officer, and seeks to report an act of sexual violence committed against himself or another individual; (2) such individual identifies himself to the law-enforcement officer who responds to the report of the act of sexual violence, and (3) the evidence for a prosecution of an offense enumerated above was obtained as a result of the individual seeking or obtaining medical attention, rendering care or assistance, or reporting to law-enforcement. This provision does not apply to an individual who is alleged to have committed the act of sexual violence.

**HB 2124 / SB 1053 (Delegate Maldonado / Senator Ebbin): Synthetic digital content; definition, penalty, report, effective clause.**

- **Impact of Legislation:**

- Creates a new § 18.2-213.2, pertaining to the use of synthetic digital content in furtherance of crimes involving fraud, to make it a Class 1 misdemeanor to use any synthetic digital content for the purpose of committing any criminal offense prohibited pursuant to Chapter 6 of Title 18.2 (crimes involving fraud). Such punishment shall be separate and apart from any punishment received for the commission of the primary criminal offense. Any person who violates the new section will be liable to the individual depicted in the synthetic digital contact, who may bring a civil action in district court. The court may award actual damages, reasonable attorneys' fees, and such other relief as the court determines to be appropriate.
- The bill amends § 8.01-45 to define "synthetic digital content" as any digital content, including any audio, image, text, or video, that realistically but falsely depicts an individual's appearance, speech, or conduct and is produced by any system or service that (i) incorporates technology that uses data to train statistical models for the purpose of enabling a computer system or service to automatically perform any task that is normally associated with human intelligence or perception, including visual perception, natural language processing, and speech recognition and (ii) is based on a foundation model.
- Requires the Attorney General to convene a work group to study and make recommendations on the current enforcement of laws related to the use of synthetic digital content, including deepfakes, and any further action needed to address the issue of such use in fraudulent acts.
- The provisions of the bill shall not become effective unless reenacted by the 2026 Session of the General Assembly. This delayed enactment does not apply to the OAG work group.

**HB 2236 (Delegate Cousins): Va. Criminal Sentencing Commission; use of Virginia crime code in documents for jailable offenses.**

- **Impact of Legislation:**

- Amends § 19.2-390.01 to codify the existing responsibility of the Virginia Criminal Sentencing Commission to develop, maintain, and modify the Virginia crime codes.
- The enactment clause provides that the bill shall not be construed to authorize the Virginia Criminal Sentencing Commission to develop, maintain, or administer the



Virginia crime codes in a manner that would require modifications to any court case management computer systems maintained by the Office of the Executive Secretary of the Supreme Court of Virginia or would require (i) implementation of new procedures or (ii) modifications of existing procedures followed by clerks of courts for entering information into such systems. However, the Office of the Executive Secretary and clerks of court shall cooperate with the Virginia Criminal Sentencing Commission as needed to implement changes in law enacted by the General Assembly, and the computer systems maintained by the Office of the Executive Secretary shall continue to record and store Virginia crime codes provided on charging and dispositional documents. Neither the Office of the Executive Secretary nor any clerk of court shall be authorized to develop or modify Virginia crime codes.

**HB 2308 / SB 1361 (Delegate Hodges / Senator Pillion): Inhaling drugs or other noxious chemical substances, etc.; distribution of nitrous oxide.**

- **Impact of Legislation:**

- Amends 18.2-264 to add that it is unlawful for any person to sell, distribute, or offer to sell or distribute a device that is designed or intended to deliver a gas containing nitrous oxide to any person under 18 years of age for any purpose.
- This does not apply to (i) a device for nitrous oxide that is denatured or otherwise rendered unfit for human consumption or (ii) any person or establishment that is (a) solely engaged in the business of selling or distributing catering supplies, food processing equipment, or compressed gases for industrial or medical use or (b) a health care provider. Any person who fails to make diligent inquiry as to whether the person trying to obtain a device is 18 years of age or older or violates the provisions of this subsection is guilty of a Class 1 misdemeanor.
- Defines "diligent inquiry" as a good faith effort to determine the age of a person that includes an examination of any valid photo identification that establishes the identity and age of such person.
- Adds nitrous oxide to the definition of "noxious chemical substances."

**HB 2319 (Delegate Sickles): Drug and controlled paraphernalia; creates exception for drug checking products.**

- **Impact of Legislation:**

- Amends § 18.2-265.1 and § 54.1-3466 to create an exception under the definition of "drug paraphernalia" for drug checking products used to determine the presence or concentration of a contaminant that can cause physical harm or death from the definitions of drug paraphernalia and controlled paraphernalia. Under current law, the exception applies only to narcotic testing products used to determine whether a controlled substance contains fentanyl or a fentanyl analog.

**HB 2657 / SB 746 (Delegate Thomas / Senator McDougale): Involuntary manslaughter; certain drug offenses.**

- **Impact of Legislation:**

- Creates a new § 18.2-36.3 which provides that any person who knowingly, intentionally, and feloniously manufactures, sells, or distributes a controlled substance knowing that such controlled substance contains a detectable amount of fentanyl,

- including its derivatives, isomers, esters, ethers, salts, and salts of isomers, in violation of Article 1 (§ 18.2-247 et seq.) of Chapter 7 and unintentionally causes the death of another person is guilty of involuntary manslaughter if (i) such death results from the use of the controlled substance and (ii) such controlled substance is the proximate cause of the death regardless of the time or place death occurred in relation to the commission of the underlying manufacturing, sale, or distribution of a controlled substance that contains a detectable amount of fentanyl, including its derivatives, isomers, esters, ethers, salts, and salts of isomers.
- The bill further provides that it is not a defense to a prosecution under this section that the decedent contributed to his own death by his knowing or voluntary use of the controlled substance. Venue for a prosecution under this section shall lie in the locality where the manufacturing, sale, or distribution of a controlled substance that contains a detectable amount of fentanyl, including its derivatives, isomers, esters, ethers, salts, and salts of isomers, occurred, where the use of the controlled substance occurred, or where death occurred.
  - If any person proves that he gave or distributed a controlled substance that contains a detectable amount of fentanyl, including its derivatives, isomers, esters, ethers, salts, and salts of isomers, in violation of Article 1 (§ 18.2-247 et seq.) of Chapter 7 only as an accommodation to another individual who is not an inmate in a community correctional facility, local correctional facility, or state correctional facility as defined in § 53.1-1 or in the custody of an employee thereof, and not with intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, he shall not be guilty of involuntary manslaughter but is guilty of an accommodation sale punishable as a Class 6 felony.

**HB 2783 (Delegate Simon): Placing Nazi symbols or emblems on certain property with intent to intimidate; penalty.**

- **Impact of Legislation:**

- Amends § 18.2-423.1 to make it a Class 6 felony for any person who, with intent of intimidating any person or group of persons, places a Hakenkreuz, hooked cross, or Nazi symbol or emblem, sometimes referred to as the Nazi swastika, on the private property of another without permission. The bill also makes it a Class 6 felony if such Nazi symbol or emblem is placed on a highway or other public place in a manner having a direct tendency to place another person in reasonable fear or apprehension of death or bodily injury. Finally, the bill clarifies that such Nazi symbol or emblem does not include the swastika symbol of peace and prosperity used by Hinduism, Buddhism, Jainism, Zoroastrianism, or Native American religions.



**SB 986 (Senator Williams Graves): Assault and battery; Class 1 misdemeanor against sports official.**

- **Impact of Legislation:**

- Amends § 18.2-57, pertaining to assault and battery, to add that any person who commits a battery against another knowing or having reason to know that such individual is a sports official for an entity sponsoring an interscholastic or intercollegiate sports event or any person performing services as a sports official for a public entity or a private, nonprofit organization that sponsors an amateur sports event who (i) is engaged in the performance of his duties or (ii) is on the premises of such event prior to engaging in his duties or upon conclusion of his duties is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, may also prohibit such person from attending any such sports event operated by the entity or organization that employed such sports official for a period of not less than six months as a term and condition of such sentence.
- Defines “sports official” to include an umpire, referee, judge, scorekeeper, timekeeper, or other person who is a neutral participant in a sports event.

**SB 1271 (Senator Perry): Threats of death or bodily injury to a person or member of his family, etc.; penalty.**

- **Impact of Legislation:**

- Amends § 18.2-60, pertaining to threats, to clarify that for crimes involving communicating in writing a threat to kill or do bodily injury, regardless of whether the person who is the object of such threat actually receives such threat, an electronically transmitted communication producing a visual or electronic message includes an email, a text message, or a message or post on any social media platform. The bill also clarifies that any person who communicates an oral threat of discharging a firearm within or on school property, at any school-sponsored event, or on a school bus and the threat would place the person who is the object of the threat, or is included in the threat, in reasonable apprehension of death or bodily harm is guilty of a Class 6 felony.

**SB 1272 (Senator Jordan): Trespass with an unmanned aircraft system; penalties.**

- **Impact of Legislation:**

- Amends § 18.2-121.3, pertaining to trespass with an unmanned aircraft system, to add that it is a Class 4 felony for any person to knowingly and intentionally, and without authorization, cause an unmanned aircraft system to enter the airspace over any (i) public services or utilities, (ii) critical infrastructure, including any military base authorized by the U.S. Department of Defense, or (iii) facility covered by the federal Maritime Transportation Security Act of 2002. The bill also adds that the offenses related to trespass with an unmanned aircraft system shall not apply to any person who causes an unmanned aircraft system to enter any prohibited property if such person is (i) an employee of the property and is conducting official business or (ii) an employee of a public service or utility, critical infrastructure, or facility and is conducting official business.

**SB 1416 (Senator Ebbin): Pedestrians; drivers to stop when crossing highway, etc., penalty.**

- **Impact of Legislation:**

- Amends § 46.2-924, which requires a driver of a vehicle on the highway to stop for a pedestrian 1) at any clearly marked crosswalk, 2) at any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, or 3) at any intersection when the driver is approaching on a highway where the speed limit is not more than 35 miles per hour, to add that a violation of the section is a traffic infraction, except that a violation that results in serious bodily injury or the death of a vulnerable road user who is lawfully crossing a highway is a Class 1 misdemeanor.

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## **DETENTION**

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**HB 2406 / SB 861 (Delegate Philip Scott / Senator Reeves): Escape from jail or custody; penalty.**

- **Impact of Legislation:**

- Amends § 18.2-478, pertaining to escape from jail or custody by force or violence, and § 18.2-479, pertaining to escape without force or violence, to apply the definition of “law-enforcement officer” in § 18.2-57 to violations involving the escape from the custody of a law-enforcement officer.

**HB 2473 / SB 1367 (Delegate Sickles / Senator Pillion): Long-acting injectable or extended-release prescription drugs; correctional facilities.**

- **Impact of Legislation:**

- Amends § 54.1-3423, to provide that the Board of Pharmacy may register a correctional facility to maintain a floor stock of long-acting injectable or extended-release prescription drugs for the treatment of mental illness or substance use disorder. Such long-acting injectable or extended-release prescription drugs shall be stored in an area accessible only to persons who are licensed to administer such prescription drugs, regardless of whether the prescriber is on site. Each correctional facility shall maintain an ongoing perpetual inventory of all such drugs in Schedules II through V. Such perpetual inventory shall (a) accurately indicate the physical count of each drug on hand at the time the inventory is performed and (b) no less than once per month, include a reconciliation of each drug with a written explanation for any difference between the physical count and the theoretical count.

## EDUCATION

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### **HB 1700 (Delegate Clark): School boards; bleeding control programs, bleeding control kits.**

- **Impact of Legislation:**

- Creates a new § 22.1-274.7, which requires each school board to develop and implement a bleeding control program in each public elementary and secondary school in the local school division whereby the school board; (1) requires bleeding control kits to be placed in each public elementary and secondary school building in locations designated by the division safety official or local first responders as being easily accessible; (2) includes bleeding control kits in the emergency plans of the local school division and each public elementary and secondary school therein, including the presentation and use of such kits in all drills and emergencies; (3) requires annual inspection of bleeding control kit inventories to ensure that materials, supplies, and equipment contained in the bleeding control kit are not expired and the replacement of any expired materials, supplies, and equipment as necessary; and (4) requires each bleeding control kit to be restocked after each use and any materials, supplies, and equipment to be replaced as necessary to ensure that the kit contains all required materials, supplies, and equipment.
- Defines "bleeding control kit" to mean a first aid response kit that (i) contains at least (a) one tourniquet endorsed by the Committee on Tactical Combat Casualty Care of the federal Defense Health Agency, (b) one compression bandage, (c) one bleeding control bandage, (d) one pair of protective gloves and one marker, (e) one pair of scissors, and (f) one set of instructional documents developed by the Stop the Bleed national awareness campaign of the U.S. Department of Homeland Security or the American College of Surgeons' Committee on Trauma and (ii) may contain other tourniquets and bandages similar to those described in clause (i) and any additional items that are approved by local law enforcement or first responders, can adequately treat a traumatic injury involving bleeding, and can be stored in a readily available kit.

### **HB 1910 / SB 1289 (Delegate Kent / Senator Jordan): Public elementary and secondary schools; nutritional standards for school meals and other foods.**

- **Impact of Legislation:**

- Creates a new § 22.1-207.4:3, to provide that no public elementary or secondary school shall offer or make available to any student any food served as a part of a school meal or any competitive food that contains any of seven specifically enumerated color additives and requires the Board to amend its nutritional guidelines for competitive foods in accordance with the provisions of this new section.
- Defines "color additive" to mean any material not exempted pursuant to 21 U.S.C. § 321(t)(1) that is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source and that when added or applied to a food, drug, or cosmetic, or to the human body or any part thereof, is capable of imparting color thereto.

**HB 1924 (Delegate Ward): School boards; prohibition against hiring or contracting for the services of certain individuals.**

- **Impact of Legislation:**

- Amends § 22.1-296.1 to prohibit a school board from employing an individual or contract for the services of an individual who has been convicted of 1) any offense involving the sexual molestation of, physical sexual abuse, or rape of a child, or the solicitation of any such offense, or 2) any violent felony or crime of moral turpitude set forth in the definition of barrier crime in subsection A of § 19.2-392.02. A school board may, however, employ or contract with such an individual if (i) such felony conviction does not involve the sexual molestation, physical or sexual abuse, or rape of a child, or the solicitation of any such offense; (ii) such an individual (a) has had his civil rights restored by the Governor; (b) has completed all terms of supervision and has been released from supervision for more than 20 years; (c) is, in the opinion of the school board, of upstanding character; and (d) has demonstrated commitment to public or community service and rehabilitation after completing all terms of supervision, and (iii) the school board certifies in writing that such individual meets these requirements.
- Current law prohibits each school board from employing or contracting for the services of any individual who has been convicted of any violent felony set forth in a certain statutory definition of "barrier crime" or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child, or the solicitation of any such offense.

**HB 1961 / SB 738 (Delegate Rasoul / Senator Pekarsky): Public elementary and secondary schools; bell-to-bell student cell phone and smart device possession.**

- **Impact of Legislation:**

- Creates a new § 22.1-79.3:1, which requires each school board to develop and each public elementary and secondary school to implement age-appropriate and developmentally appropriate policies relating to student cell phone and smart device possession and use on school property from bell to bell. Such policies shall:
  - Except as provided in subdivision 4, restrict student cell phone and smart device possession and use on school property from bell to bell;
  - To the extent that student cell phone or smart device possession and use is otherwise permitted on school property before or after bell to bell, regulate such possession and use with the objective of reducing any distractions in or disruptions to the learning environment, including bullying and harassment;
  - Ensure that implementation and enforcement of such policies (i) is the responsibility of the school administration; (ii) minimizes, to the extent possible, any conflict with the instructional responsibilities of teachers or any disturbance to instructional time; and (iii) does not involve any school resource officer, as defined in § 9.1-101, that may be employed in any school in the school division;

- Permit any student, pursuant to an Individualized Education Plan, Section 504 Plan, individualized health care plan, or Limited English Proficiency plan, to possess and use a cell phone or smart device on school property, including in the classroom, from bell to bell to monitor or address a health concern or as an accommodation or assistive technology support; and
- Expressly prohibit any student from being suspended or expelled as a consequence of any violation of such policies.
- Defines "bell to bell" to mean after the first bell rings at the start of the school day to begin instructional time until the dismissal bell rings at the end of the school day. "Bell to bell" includes lunch and time in between class periods.
- Defines "smart device" to mean any personal electronic device that can connect to the Internet and wirelessly collect, process, and transmit data, including smart watches and tablets.
- The bill further provides that no violation of any student cell phone and smart device possession and use policy shall alone constitute sufficient cause for a student's suspension or expulsion from attendance at school pursuant to § 22.1-277. Any violation of any such student cell phone and smart device possession and use policy that involves, coincides with, or results in an instance of disruptive behavior, as that term is defined in § 22.1-276.01, shall be addressed in accordance with the regulations on codes of student conduct adopted by each school board pursuant to subsection B of § 22.1-279.6.

**HB 2055 (Delegate Reaser / Senator Pekarsky): Student health and safety; responsibility to contact parent of student at imminent risk .**

● **Impact of Legislation:**

- Amends § 22.1-272.1 which requires any person licensed as administrative or instructional personnel by the Board of Education and employed by a local school board who, in the scope of his employment, has reason to believe, as a result of direct communication from a student, that such student is at imminent risk of suicide, to, as soon as practicable, contact at least one of the student's parents to ask whether such parent is aware of the student's mental state and whether the parent wishes to obtain or has already obtained counseling for such student, to also provide to the parent materials on suicide prevention that shall include information on the legal requirements set forth in § 18.2-56.2 relating to the safe storage of firearms in the presence of minors and that may include guidance on best practices and strategies for limiting a student's access to lethal means, including firearms and medications. The bill requires any such materials on suicide prevention to be selected in accordance with the guidelines developed by the Board pursuant to applicable law and to include materials that have been pre-approved for such use by the Board.

**HB 2063 (Delegate Garrett): School employees; reports of certain arrests and convictions.**

- **Impact of Legislation:**

- Amends § 19.2-83.1, which requires every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony, upon arresting a person who is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or any other employee in any local school division in the Commonwealth for a felony or a Class 1 misdemeanor or an equivalent offense in another state, shall file a report of such arrest with the division safety official designated pursuant to subsection F of § 22.1-279.8 in the school division in which such person is employed as soon as practicable but no later than 48 hours after such arrest. The bill removes the option of transmitting such a report via fax but retains the options of transmitting the report via mail or email.

**HB 2103 (Delegate Kent): Regulations Governing Allowable Credit for Teaching Experience; etc.**

- **Impact of Legislation:**

- Section 1 bill which provides that the Board of Education shall amend its regulations to provide that, for the purpose of salary placement credit, teachers in the field of career and technical education, where the licensure requirement calls for occupational work experience beyond the apprenticeship level, may be allowed credit for one year of teaching experience for each two years of work experience or may be allowed credit for one year of teaching experience for each year of work experience.
- This requirement shall not become effective unless reenacted by the 2026 Session of the General Assembly.

**HB 2104 / SB 1036 (Delegate Bennett-Parker / Senator Pekarsky): Seizure rescue meds.; administration by certain school employees, possession by certain students.**

- **Impact of Legislation:**

- Amends § 8.01-225, pertaining to persons rendering emergency care, to authorize an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, (iv) a local governing body, or (v) a local health department who is trained in the administration of seizure rescue medications for the treatment of seizures resulting from a condition causing seizures to administer or assist in the administration of medications to a student diagnosed with a condition causing seizures when the student is believed to be experiencing or about to experience a seizure in accordance with subsection BB of § 54.1-3408 and pursuant to a written order or standing protocol issued by a prescriber within the course of his professional practice and in accordance with the prescriber's instructions. Such an employee shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.
- Amends § 22.1-274.2 to provide that a school board may implement policies 1) permitting any student enrolled in any secondary school in the local school division who has a diagnosis of a condition causing seizures to possess seizure rescue



medications during the school day, at school-sponsored activities, or while on a school bus or other school property if (i) the student's parent has submitted a seizure management and action plan in accordance with § 22.1-274.6 that includes written consent of the parent and written approval of the student's primary care provider for such self-possession and (ii) the school nurse has been notified of such self-possession; or, 2) for the administration of seizure rescue medications to any student enrolled in any elementary or secondary school in the local school division who has a diagnosis of a condition causing seizures, consistent with the provisions of subsection BB of § 54.1-3408.

**HB 2201 / SB 1230 (Delegate McQuinn / Senator Aird): Public schools; temporarily employed teachers, rules and requirements, extension of time limitation.**

- **Impact of Legislation:**

- Amends § 22.1-302 to extend from 90 to 180 teaching days the maximum period of time during one school year for which a school board may employ a temporarily employed teacher, as defined in relevant law, to fill a teacher vacancy, with certain conditions and restrictions. Any such temporarily employed teacher who is employed to fill a teacher vacancy for more than 90 teaching days for any course other than a course for which a technical professional license is required shall, unless otherwise approved by the Superintendent, hold a baccalaureate degree and not meet the qualifications to apply for a provisional license or have held an active professional teaching license within the past 10 years in the Commonwealth.
- The provisions of the bill expire on July 1, 2027.

**HB 2219 / SB 1034 (Delegate Tran / Senator Pekarsky): Students who need or use augmentative and alternative communication; documentation of needs.**

- **Impact of Legislation:**

- Creates a new § 22.1-217.4, which provides that a school division shall document on the individualized education program of a student with a disability who needs or uses augmentative or alternative communication (AAC), beginning prior to the provision of instruction or direct support to the student, including in any extended school year period, the student's AAC and communication access and support needs, including, as appropriate, individualized training as an assistive technology service for each school division employee or contractor who provides instruction or direct support to such student, to support the student's use of AAC and to ensure that access to curricula and instruction is designed or adapted as necessary to accommodate the student's unique communication access needs.
- Defines “augmentative” and “alternative communication” to mean any method or tool other than oral speech that an individual uses to communicate, including gestures, facial expressions, writing, and speech-generating devices.

**HB 2618 / SB 1413 (Delegate Helmer / Senator Surovell): Public school buildings; indoor air quality, inspection and evaluation).**

- **Impact of Legislation:**

- Creates new §§ 22.1-141.3, 22.1-141.4, and 22.1-141.5, which provide that, at least once every four years, each local school division shall provide for an industry-

- recognized uniform inspection and evaluation of the heating, ventilation, and air conditioning system in each public school building in the local school division. Such inspection and evaluation shall be performed by a certified testing, adjusting, and balancing technician, an industrial hygienist certified by the American Board of Industrial Hygiene, a technician with a Master HVAC License from the Department of Professional and Occupational Regulation, or a mechanical engineer. Such heating, ventilation, and air conditioning systems inspection and evaluation shall include; (1) testing for maximum filter efficiency, (2) physical measurements of outside air delivery rate, (3) verification of the appropriate condition and operation of ventilation components, (4) measurement of air distribution system outside air, return air, and supply air and static pressure readings across all air handling unit components, including filters, coils, and fans, (5) verification of unit operation and that required maintenance has been performed in accordance with the most recent indoor ventilation standards promulgated by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, (6) verification of carbon dioxide sensors and acceptable carbon dioxide concentrations indoors, and (7) collection of field data for the installation of mechanical ventilation if none exists.
- The portion of the uniform inspection and evaluation that relates to the ventilation system shall identify the extent to which each school's current ventilation system components, including any existing central or noncentral mechanical ventilation system, are operating in such a manner as to provide appropriate ventilation to the school building in accordance with the most recent indoor ventilation standards promulgated by the American Society of Heating, Refrigerating and Air-Conditioning Engineers.
  - Each local school division shall prepare a written report of the results of the uniform inspection and evaluation required pursuant to subsection A that includes any corrective actions necessary to be performed on the mechanical ventilation system or the heating, ventilation, and air conditioning infrastructure, including installation of filters meeting the most optimal level of filtration available for a given heating, ventilation, and air conditioning system, installation of carbon dioxide sensors, and additional maintenance, repairs, upgrades, or replacement. Each local school division shall make such report available for public inspection at a regularly scheduled local school board meeting and on the local school board's public website.

**HB 2637 / SB 1377 (Delegate Bolling / Senator Hashmi): Mental Health First Aid Program; DOE, et al., to develop, participation by school staff and students.**

● **Impact of Legislation:**

- A Section 1 bill that requires the Department of Education, in collaboration with the Department of Behavioral Health and Developmental Services, to develop and implement a plan to incentivize and facilitate participation in the Commonwealth Mental Health First Aid Program, established pursuant to § 37.2-312.2, by public school staff and students. Such plan shall (i) ensure that training provided pursuant to the Program is offered at several public schools in school divisions across the Commonwealth and at a variety of dates and times, including during and outside of the school day, to provide flexibility and maximize opportunities for participation by public school staff and students; (ii) include strategies for incentivizing or encouraging



public school staff and students to participate in such training; (iii) provide for the development and dissemination of informational materials for public school staff and students that (a) describe the Program and the benefits of participating in such training, (b) list the dates, times, and locations at which such training shall be offered, and (c) clearly state that such training provided pursuant to the Program is available at no cost to public school staff or students; and (iv) include any other strategies deemed appropriate or effective for incentivizing participation in or facilitating the provision of such training.

**HB 2679 (Delegate Reaser): School boards; threat assessment teams and procedures, etc.**

- **Impact of Legislation:**

- Amends § 22.1-79.4, pertaining to threat assessment teams, which currently provides that upon a preliminary determination that a student poses a threat of violence or physical harm to self or others, a threat assessment team shall immediately report its determination to the division superintendent or his designee, who shall immediately attempt to notify the student's parent or legal guardian. The bill adds that the division superintendent or his designee shall provide, either in such initial attempt to notify the student's parent or legal guardian or through a separate communication to the student's parent or legal guardian made as soon as practicable thereafter, materials on recognition of and strategies for responding to behavior indicating that a student poses a threat of violence or physical harm to self or others that shall include information on the legal requirements set forth in § 18.2-56.2 relating to the safe storage of firearms in the presence of minors and that may include guidance on best practices and strategies for limiting a student's access to lethal means, including firearms and medications.
- The Board, in cooperation with the Department of Behavioral Health and Developmental Services and the Department of Health, shall develop guidelines for the provision of materials on recognition of and strategies for responding to behavior indicating that a student poses a threat of violence or physical harm to self or others. Such guidelines shall include criteria for selecting such materials as well as materials that have been preapproved for such use by the Board

**HB 2774 / SB 1240 (Delegate Singh / Senator Sturtevant): School-connected student overdoses; policies relating to parental notification, guidelines.**

- **Impact of Legislation:**

- Amends § 22.1-272.1:1 to provide that each school principal or his designee shall notify the parent of each student enrolled in the relevant public elementary or secondary school within 24 hours of the earlier of (i) law enforcement or medical personnel confirming a school-connected student overdose or (ii) the school principal having knowledge of a suspected school-connected student overdose. The parental notification shall include information that is available at the time on (a) the name or any identifiable features of the controlled substance and (b) whether the confirmed or suspected overdose occurred on school premises during regular school hours or during school-sanctioned activities whether on or off school premises. The school principal or his

designee shall use methods of communication for such parental notifications that are considered regular forms of communication for other schoolwide notifications.

- Defines "school-connected student overdose" to mean any overdose of a student enrolled in a public or private elementary or secondary school in the Commonwealth that occurs (i) on the premises of such school during regular school hours or (ii) during school-sanctioned activities whether on or off the premises of such school
- Defines "suspected school-connected student overdose" to mean a school-connected student overdose that is believed to have occurred and for which the response is the administration of naloxone, another opioid antagonist, or another similar medication with the intent to counter or temporarily reverse the effects of such overdose.

**SB 1293 (Senator Stanley): Autism spectrum disorder; school board employees, professional development and continuing education.**

● **Impact of Legislation:**

- Amends § 22.1-253.13:5 to direct the Board of Education to provide guidance on and each school board to provide each year an optional program of high-quality professional development for instructional personnel and school board employees whose duties include regular contact with students on communicating with and supporting students with autism spectrum disorder. The bill provides that any instructional personnel or school board employee who completes such professional development shall be eligible for professional development points toward renewal of his license.

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## MENTAL HEALTH & MEDICAL

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**HB 1637 / SB 1035 (Delegate Hope / Senator Pekarsky): Opioid Antagonists; dispensing and administration by person acting on behalf of an organization.**

● **Impact of Legislation:**

- Amends § 54.1-3408 to permit persons acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone or other opioid antagonists to dispense other opioid antagonists. The bill also allows persons to whom other opioid antagonists are dispensed to possess and administer such opioid antagonists. Under current law, persons acting on behalf of such organizations may only dispense naloxone.

**HB 2435 (Delegate Webert): Model policy for law-enforcement officer investigating overdose; notification to prescriber.**

● **Impact of Legislation:**

- Amends § 9.1-102 to add that the Department of Criminal Justice Services shall establish a model policy for best practices for law-enforcement officers responding to or investigating an overdose, when prescriber information has been obtained during the course of such response or investigation, to notify the prescriber of any controlled substance found to be in the possession of or believed to have been ingested by the

victim that such prescription of a controlled substance was involved in an overdose. Such model policy shall include that a notification to a prescriber of a controlled substance shall not be required if such notification would jeopardize an active law-enforcement investigation

**SB 819 (Senator Favola): Community-based outpatient stabilization programs for voluntary treatment; referrals.**

- **Impact of Legislation:**

- Amends §§ 37.2-808, 37.2-809, 37.2-813, 37.2-815, 37.2-816, 37.2-817, and 37.2-1104 to require health care professionals and evaluators to consider whether a referral to a community-based outpatient stabilization program for voluntary treatment is appropriate prior to a patient's release from an emergency custody order or a temporary detention order.

**SB 854 (Senator VanValkenburg): Consumer Data Protection Act; social media platforms, responsibilities and prohibitions to minors.**

- **Impact of Legislation:**

- Creates a new § 59.1-577.1, which requires that any controller or processor that operates a social media platform to (i) use commercially reasonable methods, such as a neutral age screen mechanism, to determine whether a user is a minor and (ii) limit a minor's use of such social media platform to one hour per day, per service or application, and allow a parent to give verifiable parental consent to increase or decrease the daily time limit.
- For purposes of this statute, a “minor” is defined as a child younger than 16 years of age.
- The bill has a delayed effective date of January 1, 2026.

**SB 924 (Senator Head): Drug paraphernalia and controlled paraphernalia; drug checking products.**

- **Impact of Legislation:**

- Amends § 18.2-265.1, pertaining to drug paraphernalia, and § 54.1-3466, pertaining to controlled paraphernalia, to provide that those terms do not include drug checking products used to determine the presence or concentration of a contaminant that can cause physical harm or death. Currently, the statutes only exempt the use of products used to detect fentanyl.

**HB 2088 / SB 1041 (Delegate Shin / Senator Perry): Va. Forensic Nursing Advisory Council; established.**

- **Impact of Legislation:**

- Creates a new § 32.1-162.15:12, which establishes the Virginia Forensic Nursing Advisory Council, which shall consist of five members to be appointed by the Governor. Each member shall have expertise as a sexual assault forensic examiner, as defined in § 19.2-11.5, and shall currently reside and practice in the Commonwealth.

- Members shall be appointed for terms of four years and shall not be eligible to serve for more than two consecutive terms. The Council shall review and make recommendations as necessary to the Board with support from the Coordinator of the Virginia Sexual Assault Forensic Examiner Coordination Program, established pursuant to § 9.1-191, concerning, (1) criteria to become a sexual assault forensic examiner, (2) the process for certification as a sexual assault forensic examiner, (3) the curriculum and training program of an entity seeking approval to train sexual assault forensic examiners, and (4) qualifications of prospective sexual assault forensic examiners. The Council shall periodically, but at least annually, submit a report to the General Assembly regarding the status of sexual assault forensics in the Commonwealth, including any recommendations to improve the quality of such services throughout the Commonwealth.
- The bill also creates a new § 19.2-368.3, which provides that a health care provider may conduct a telehealth sexual assault forensic examination for a victim of sexual assault if a sexual assault forensic examiner is not readily available to conduct an in-person forensic medical examination for the collection of a physical evidence recovery kit. A physical evidence recovery kit collected during a telehealth sexual assault forensic examination shall not be determined to be inadmissible solely because the physical evidence recovery kit was collected during a telehealth sexual assault forensic examination and not directly by a sexual assault forensic examiner, provided that such physical evidence recovery kit is otherwise admissible pursuant to the general rules of evidence.
  - The bill amends § 19.2-11.5, to define 1) a “telehealth sexual assault forensic examiner” to mean an in-person forensic medical examination by a health care provider in consultation with and under the supervision of a sexual assault forensic examiner using telehealth services as defined in § 32.1-122.03:1 to collect evidence using a physical evidence recovery kit, and 2) a “sexual assault forensic examiner” to mean a health care provider who has completed the education and training recommended by the Virginia Forensic Nursing Advisory Council, approved by the Board of Health pursuant to § 32.1-162.15:12, to conduct examinations using a physical evidence recovery kit.

## **SEX OFFENSES, SEX OFFENDERS & TRAFFICKING**

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**HB 1727 (Delegate Delaney): Establishment of parent and child relationship; persons who committed sexual assault.**

- **Impact of Legislation:**

- Amends § 20-49.1, to add that no parent and child relationship shall be established when a biological parent has been convicted of rape, carnal knowledge, or incest, or has been found by clear and convincing evidence to have engaged in such conduct, whether or not the biological parent has been charged with or convicted of the alleged violation, and the child was conceived of such violation or conduct.

- Amends § 20-124.1 to provide that a “person with a legitimate interest” in the child does not include a person whose interest derives from or through a person who has been convicted of or found to have engaged in such conduct by clear and convincing evidence.
- Amends § 63.2-1202 to provide that consent for adoption is not required of a birth father when such birth father has been found by clear and convincing evidence to have engaged in rape, carnal knowledge, or incest and the child was conceived of such conduct.

**HB 1731 / SB 1005 (Delegate Delaney / Senator Boysko): Services for sexual assault patients; provision of information for sexual assault patients; Task Force on Services for Survivors of Sexual Assault; work group; report.**

- **Impact of Legislation:**

- Amends §§ 32.1-162.15:2 through 32.1-162.15:7, 32.1-162.15:9, 54.1-2910.5, and 54.1-3018.2 to change instances of "sexual assault survivor" and its variations to "sexual assault patient." The bill requires health care facilities to provide information on local or statewide sexual and domestic violence advocacy services to adult and pediatric patients. The bill removes language requiring hospitals to enter into a memorandum of understanding with rape crisis centers, removes language allowing sexual assault patients to be transferred to clinics, and repeals the statute establishing the Task Force on Services for Survivors of Sexual Assault. The bill directs the Director of the Department of Criminal Justice Services to convene a work group to address sustainable funding for sexual assault medical forensic examinations and services. The bill requires the work group to submit a report with recommendations to the Chairs of the House Committee on Health and Human Services, the House Committee on Appropriations, the Senate Committee on Education and Health, and the Senate Committee on Finance and Appropriations by November 1, 2025.

**HB 1846 / SB 1157 (Delegate Arnold / Senator Obenshain): Sex Offender and Crimes Against Minors Registry; person required to register.**

- **Impact of Legislation:**

- Amends § 8.01-217, pertaining to how a person’s name may be changed, to require that the attorney for the Commonwealth shall make a reasonable effort to provide notice to the victim of the offense for which such person was required to register with the Sex Offender and Crimes Against Minors Registry or such victim’s immediate family member if the victim has died. Such victim or immediate family member may appear personally or by counsel to address the court or may provide a written statement regarding the reasons the court should deny the application for change of name.

**HB 2310 (Delegate Davis): Use of communication system to expose sexual or genital parts, to a child; penalty.**

- **Impact of Legislation:**

- Amends 18.2-374.3 to create a Class 1 misdemeanor for any person 18 years of age or older who uses a communications system, including computers or computer networks

- or bulletin boards, or any other electronic means, with lascivious intent, to expose his sexual or genital parts to any person he knows or has reason to know is a child to whom he is not legally married and such child is 15 years of age or older.
- Under current law, it is a Class 5 felony for any person 18 years of age or older to use such communications system for the purposes of soliciting, with lascivious intent, any person he knows or has reason to believe is a child younger than 15 years of age to knowingly and intentionally commit certain sexual activities, including exposing his sexual or genital parts to any child to whom he is not legally married or proposing that any such child expose his sexual or genital parts to such person. It is also a Class 5 felony under current law for any person to commit such acts with any child he knows or has reason to believe is at least 15 years of age but younger than 18 years of age if such person is at least seven years older than the child.

**SB 844 (Senator Craig): Sex Offender & Crimes Against Minors Registry; registration intervals for Tier I & Tier II offenses.**

- **Impact of Legislation:**
  - Amends § 9.1-904 to provide that a person in the registry for a Tier I or Tier II offense shall verify his registration information yearly and a person in the registry for a Tier I or Tier II offense, and who has been convicted of a violation of § 18.2-472.1 (providing false information or failing to provide registration information), shall verify his registration information twice a year.

## SOCIAL SERVICES

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**HB 1733 / SB 1372 (Delegate Cole / Senator Suetterlein): Children; petitions for relief of care and custody, investigation by local dept. of social services.**

- **Impact of Legislation:**
  - Amends § 16.1-277.02 to provide that the local department of social services shall, as part of its investigation into the filing of a petition for relief of care and custody, (i) refer the parent to the local family assessment and planning team and (ii) create a written report regarding the history of the child and family. A referral to the local family assessment and planning team in accordance with clause (i) shall not interfere with or delay any proceeding or hearing related to the petition unless the court determines that any recommendations made by or information gathered from the family assessment and planning team is necessary for the court to make a final disposition in the matter.
  - An enactment clause provides that the Office of the Children's Ombudsman shall convene a work group to determine the factors a court should consider for good cause shown to grant a petitioner's petition for relief of care and custody of a child. The work group shall also explore the potential benefits and considerations of raising the standard of evidence for granting temporary relief of custody from the current standard of preponderance of the evidence to clear and convincing evidence. The work group shall be composed of judges of juvenile and domestic relations district courts, a representative from the Office of the Executive Secretary of the Supreme Court of Virginia, one or more representatives from the Department of Social Services,



representatives from local departments of social services and court services units, and other relevant stakeholders. The Office of the Children's Ombudsman shall submit a report of the work group's findings and recommendations to the Chairs of the House and Senate Committees for Courts of Justice and the Virginia Commission on Youth by November 1, 2025.

- The bill will become effective on January 1, 2026.

**SB 801 (Senator Favola): Children's Services Act; changes to state pool of funds.**

- **Impact of Legislation:**

- Amends § 2.2-5211, add that among the targeted populations to which the state pool of funds allocated to community policy and management teams includes children and youth who are determined by either a juvenile and domestic relations district court or a family assessment and planning team, to be a child in need of services as defined in § 16.1-288 and requiring (i) community-based services to prevent or eliminate the need for an out-of-home placement or (ii) placement outside of the home through an agreement between the public agency designated by the community policy and management team and the parents or legal guardians who retain custody of the youth.
- Amends § 2.2-5212, pertaining to eligibility for state pool of funds, to require that the uniform assessment instrument used to determine eligibility for funding through the state pool of funds be approved by the State Executive Council for Children's Services and modify the eligibility criteria for funding through the state pool of funds by adding language that (a) specifies that the child or youth's emotional or behavioral problems have resulted in the child or youth, or place the child or youth at imminent risk of, entering purchased residential care and (b) includes the determination by a court that the child or youth is a child in need of services, as such term is defined in relevant law.

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## STATE & LOCAL ADMINISTRATION OF GOVERNMENT

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**HB 1611 / SB 1014 (Delegate Cole / Senator VanValkenburg): Human Resource Management, Department of; hiring on the basis of direct experience.**

- **Impact of Legislation:**

- Creates a new § 2.2-1214 to provide that no state agency shall require as a condition of eligibility for hire to a position in state employment that an applicant have a baccalaureate degree. An exception applies if the knowledge, skills, or abilities required for the position for which an applicant is applying can only reasonably be obtained, as determined by the appointing authority, through a course of study in pursuit of, and culminating in the award of, a baccalaureate degree.

**HB 1632 / SB 1137 (Delegate Hayes / Senator Boysko): Data Governance and Analytics, Office of; changes oversight of office to VITA.**

- **Impact of Legislation:**

- Amends § 2.2-203.2:4 and creates a new § 2.2-2034.1 to change oversight of the Office of Data Governance and Analytics from the Office of the Secretary of Administration to the Virginia Information Technologies Agency.



**HB 1874 / SB 781 (Delegate Henson / Senator Carroll Foy): Retired or former law-enforcement officers; definition, publication of personal information.**

- **Impact of Legislation:**

- Amends § 18.2-186.4:1, which provides that any law-enforcement officer or attorney for the Commonwealth may petition the circuit court for an order prohibiting the publication on the internet, by the Commonwealth, of their personal information, to add that such a petition may also be filed by a “retired or former law-enforcement officer.” “Retired or former law-enforcement officer” is defined as any person who was employed as a law-enforcement officer as that term is defined in § 9.1-101; has retired from law enforcement or has ended his service as a law-enforcement officer; and is in good standing with no pending investigations or disciplinary actions.

**HB 2024 / SB 1165 (Delegate Seibold / Senator Salim): Virginia Public Procurement Act; solar photovoltaic equipment and facilities.**

- **Impact of Legislation:**

- Creates a new § 2.2-4328.3, which provides that no state agency may, in any request for proposal, procurement agreement, contract, ordinance, policy, permit, or accompanying document prohibit or otherwise exclude from use any materials contained in or products associated with solar photovoltaic equipment and facilities that are manufactured in the United States.

**HB 2154 (Delegate Carr): Virginia Freedom of Information Act; public body’s FOIA officer training.**

- **Impact of Legislation:**

- Amends § 2.2-3704.2, which pertains to requirements for a public body’s FOIA officer, to provide that any legal counsel for a public body who is also designated as the public body’s FOIA officer shall complete a training session or online course offered or approved by the FOIA Council.

**HB 2751 (Delegate Feggans): Virginia Public Procurement Act; discrimination prohibited, military family-owned business.**

- **Impact of Legislation:**

- Amends § 2.2-4310 to prohibit any public body from discriminating against a bidder or offeror in the solicitation or awarding of contracts on the basis of status as a military family, defined in the bill. The bill provides that all public bodies shall establish programs to facilitate the participation of military family-owned businesses, as defined in the bill, in procurement transactions.

**SB 913 (Senator Stanley): Virginia Public Procurement Act; procurement of imported goods, forced and child labor provision.**

- **Impact of Legislation:**

- Creates a new § 2.2-4311.3, which provides that a public body that enters into a public contract for goods or services that exceeds \$10,000 shall include in such a public contract provisions (i) prohibiting the use of forced or indentured child labor in the performance of the contract and (ii) requiring that the contractor include such

- prohibition in every subcontract or purchase order that exceeds \$10,000, so that the prohibition will be binding upon each subcontractor or vendor.
- Defines "forced or indentured child labor" to mean all work or service (i) exacted from any person younger than 18 years of age under the menace of any penalty for the nonperformance of such work or service and for which such person does not offer himself voluntarily or (ii) performed by any person younger than 18 years of age pursuant to a contract the enforcement of which can be accomplished by process or penalties.

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## VOCATIONAL / WORKFORCE DEVELOPMENT

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**HB 1667 / SB 1228 (Delegate Hayes / Senator Boysko): Barbers and Cosmetology, Board for; employment prohibition, children 16 years of age or older.**

- **Impact of Legislation:**

- Amends § 40.1-100 to allow children 16 years of age or older to serve in a licensed barbershop or cosmetology salon, provided that (i) the child is an apprentice, (ii) the child is employed in a work-training program as provided by relevant law and in accordance with relevant regulations, or (iii) the child has obtained a cosmetology or barber license from the Board for Barbers and Cosmetology.

**HB 1759 / SB 877 (Delegate Gardner / Senator Ebbin): Post-release job search assistance services; DOC, et al., to provide.**

- **Impact of Legislation:**

- Creates a new § 53.1-140.1 which requires the Department of Corrections to ensure that educational, vocational, counseling, substance abuse, rehabilitative, and reentry services are available at all probation and parole offices. The new statute also requires that the Department of Corrections shall work with the Department of Workforce Development and Advancement to provide post-release job search assistance services to assist individuals in finding employment upon release from incarceration and refer such individuals to case management services where eligible from such funds as are available. The Department of Workforce Development and Advancement shall coordinate implementation and delivery of such post-release job search assistance services with Virginia Workforce System partners, including local workforce development boards.