

## **Selected Victim Related Bills That PASSED in 2009**

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**HB 1842 Emergency protective order; authority of magistrate or judge to issue in cases of sexual battery.**

An Act to amend and reenact §§ 19.2-152.8, 19.2-152.9, and 19.2-152.10

*Summary as passed House:*

Expands the authority of a magistrate or judge to issue any stalking protective order to include issuance when a warrant is issued for sexual battery or aggravated sexual battery. Currently, issuance of such an order predicated on a criminal act is limited to criminal offenses resulting in serious bodily injury or stalking.

*Patron:* Griffith

**HB 1857 Protective orders; issuance upon conviction in cases of family abuse.**

An Act to amend and reenact §§ 16.1-253.1 and 16.1-279.1

*Summary as passed:*

Provides that a court may issue a preliminary protective order upon a showing by the petitioner that (i) the allegedly abusing person is incarcerated and is to be released from incarceration within 30 days following the petition or has been released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly abusing person was convicted and incarcerated involved family abuse against the petitioner, and (iii) the allegedly abusing person has made threatening contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the petitioner of family abuse. If an incarcerated defendant is personally served and not transported to the hearing, the court may extend the protective order for a period not to exceed six months. If a preliminary protective order is issued the court may issue a permanent (two-year) protective order.

*Patron:* Shannon

**HB 1874 Magistrates; issuance of felony arrest warrants.**

An Act to amend and reenact §§ 19.2-45, 19.2-71, and 19.2-72

*Summary as passed:*

Provides that a magistrate may not issue an arrest warrant for a felony offense upon the basis of a complaint by a person other than a law-enforcement officer without prior consultation by the magistrate with the attorney for the Commonwealth or, if no attorney for the Commonwealth is available, without prior consultation with a law-enforcement

agency. The bill also provides that a written complaint shall be required whenever practicable if the complainant is not a law-enforcement officer.

*Patron:* Cosgrove

**HB 1908 Assault and battery of family/household member; court to order person to obtain certain services.**

An Act to amend and reenact § 18.2-57.3

*Summary as passed House:*

Rewrites the existing statute for clarity and allows the court to order the person to obtain services from a local community-based probation services agency if the services are available or from an alternative service provider. The bill also requires the court to order the person to be of good behavior for at least two years following deferral of proceedings. This bill is a recommendation of the Committee on District Courts. This bill is identical to SB 1300.

*Patron:* Armstrong

**HB 2016 Abduction and kidnapping; definition.**

An Act to amend and reenact §§ 18.2-47 and 18.2-513 of the Code of Virginia, relating to definition of abduction and kidnapping; RICO; punishment.

*Summary as passed:*

**Abduction.** Expands abduction to include abducting a person with the intent to subject the person to forced labor or services. Intimidation is redefined to include withholding a person's passport or like documents. The bill also adds four new RICO (Racketeer Influenced and Corrupt Organizations) crimes.

*Patrons:* Ebbin and Hull; *Senator:* Petersen

**HB 2309 Probationer, supervised; not be kept under probation solely because of failure to make payment.**

An Act to amend and reenact § 19.2-305 of the Code of Virginia, relating to conditions of supervised probation.

*Summary as passed House:*

**Conditions of supervised probation.** Provides that no probationer shall be kept under supervised probation solely because of his failure to make full payment of fines, fees, or costs, provided the court and attorney for the Commonwealth do not object to such removal.

*Patron:* Melvin

**HB 2310 Confidentiality of court records; person inspecting is authorized to have copies made of records.**

An Act to amend and reenact § 16.1-305 of the Code of Virginia, relating to confidentiality of court records.

*Summary as introduced:*

**Confidentiality of court records.** Provides that any person, agency, or institution that may inspect juvenile case files shall be authorized to have copies made of such records, subject to any restrictions, conditions, or prohibitions that the court may impose. This bill is a recommendation of the Committee on District Courts. This bill is identical to SB 928.

*Patron:* Melvin

**HB 2400 Criminal sexual assault; establishment of a multidisciplinary response thereto.**

An Act to require a coordinated, multidisciplinary response to criminal sexual assault.

*Summary as passed House:*

Requires attorneys for the Commonwealth to establish sexual assault response teams. Each team would be responsible for discussion of establishment of policies and coordinating responses to sexual assault incidents and to establish guidelines for community response.

*Patrons:* Bell and Pollard

**HB 2403 Criminal Injuries Compensation Fund; electronic filing of claims.**

An Act to amend and reenact § 19.2-368.

*Summary as introduced:*

Permits claims for an award under the Criminal Injuries Compensation Fund to be filed electronically. Currently, such claims must be filed in person or by mail.

*Patrons:* Bell and Scott, E.T.

**HB 2612 Emergency response plans; ensuring victims' rights.**

An Act to amend and reenact §§ 22.1-279.8, 23-9.2:9, 32.1-111.3, 32.1-111.11, 44-146.18, and 44-146.

*Summary as introduced:*

Requires all emergency plans to include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01, as well as current contact information for both. This bill is identical to SB 1150.

*Patron:* Shannon

**SB 1439 Protective orders; removes provision to contain identifying information.**

An Act to amend and reenact §§ 16.1-253, 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

*Summary as introduced:*

Removes a provision added in 2008 allowing an addendum to the protective order to contain identifying information, so that the identifying information will return to the front page of the order. The bill also specifies identifying information to be added and transmitted to the Virginia Criminal Information Network (VCIN) regarding the protected person and provides that orders will expire at 11:59 p.m. on the date specified.

*Patrons:* Edwards and Obenshain; *Delegate:* Peace