

Summary of Selected Victim Related Legislation Passed During the 2011 Session of the General Assembly

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HB 1476 Sexual abuse; limitations period.

Chief patron: Albo

Amends §8.01-243

Summary:

Extends the limitations period for actions for sexual abuse committed during the infancy or incapacity of the abused person from two years to 20 years from the time of the removal of the infancy or incapacity or from the time the cause of action otherwise accrues. This bill is identical to SB 1145.

HB 1487 Criminal sexual assault; venue for trial.

Chief patron: Hope

Amends §18.2-359

Summary:

Provides that venue for the trial of a person charged with committing or attempting to commit (i) a crime against nature, the crime of taking indecent liberties with a child, or a criminal sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 and (ii) a violent felony as defined in § 17.1-805 or 19.2-297.1 arising out of the same incident, occurrence, or transaction may be had in the county or city in which any such crime is alleged to have occurred or, with the concurrence of the attorney for the Commonwealth in the county or city in which the crime is alleged to have occurred, in any county or city through which the victim was transported by the defendant in the commission of such offense.

HB 1650 Magistrates; power to issue felony arrest warrants.

Chief patron: Cosgrove

Amends §§ 19.2-71 and 19.2-72

Summary:

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 or an animal control officer without prior authorization from the attorney for the Commonwealth or a law-enforcement agency in his jurisdiction. Currently, the magistrate need only consult with the attorney for the Commonwealth or law-enforcement agency. The bill also requires a written complaint if the complaint is by a person other than a law-enforcement officer; currently a written complaint is required in such a situation whenever practicable. This bill is identical to SB 782.

HB 1757 Victims of domestic violence; expands Address Confidentiality Program to all jurisdictions in State.

Chief patron: Wilt

Amends § 2.2-515.2

Summary:

Expands the Address Confidentiality Program for victims of domestic violence to all jurisdictions within the Commonwealth. The bill also provides that the Office of the Attorney General will prepare an evaluation of the statewide implementation of the program by December 31, 2012, and repeals the enactment clause that conditioned the continuation of the program upon an appropriation for that purpose. The bill is identical to SB 1199.

HB 1779 Protective orders, preliminary; prohibition on purchase & transport of firearms for certain persons.

Chief patron: Gilbert

Amends §18.2-308.1:4

Summary:

Makes the prohibition on purchasing and transporting a firearm applicable to persons subject to preliminary protective orders where a petition alleging abuse or neglect has been filed. Under current law, persons subject to a preliminary protective order are prohibited from purchasing or transporting a firearm regardless of any allegation. This bill is identical to SB 754.

HB1804 Attorneys for State and their assistants; duties.

Chief patron: Surovell

Amends §15.2-1627

Summary:

Provides that elected and assistant Commonwealth's attorneys may enforce the provisions of subsection D of § 18.2-268.3 (the civil offense of refusal to submit to the DUI blood alcohol test). The bill contains an emergency clause.

HB 1898 Abduction of minors; for sexual purposes, penalty.

Chief patron: Hugo

Amends §§18.2-48, 18.2-67.7, and 18.2-356

Summary:

Provides that abduction of any person for the purpose of prostitution or of a minor for the purpose of manufacturing child pornography is a Class 2 felony. The bill also provides that any person who receives any money or other valuable thing for or on account of causing any person to engage in forced labor or services, concubinage, prostitution, or the manufacture of any obscene material or child pornography is guilty of a Class 4 felony.

HB 1995 Child pornography; restitution for victims.

Chief patron: Janis

Amends §19.2-305.1

Summary:

Provides that a defendant convicted of an offense relating to child pornography shall be ordered to pay mandatory restitution to the victim of the offense in an amount as determined by the court. The Commonwealth shall make reasonable efforts to notify victims of any such offense. This bill is identical to SB 1426.

HB 2063 Protective orders; expands class of persons eligible to obtain.

Chief patron: Bell, Robert B.

Amends §§ 16.1-69.55, 16.1-228, 16.1-253.1, 16.1-253.4, 16.1-279.1, 17.1-213, 17.1-272, 18.2-60.4, 19.2-81.3, 19.2-120, 19.2-152.8, 19.2-152.9, and 19.2-152.10. Adds 19.2-152.7:1, relating to protective orders; availability; penalty.

Summary:

Renames "protective orders for stalking" as "protective orders" and expands the class of persons that is eligible to obtain a protective order by enlarging the types of conduct that permit the issuance of a protective order from certain specified criminal acts to any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such protective orders are available based on such conduct, regardless of the relationship of the parties involved. The bill also makes several amendments to make protective orders and family abuse protective orders more consistent, including amending the definition of "family abuse" to be consistent with the conduct that would allow for the issuance of a "protective order" and providing that a family abuse protective order may include a condition prohibiting the allegedly abusing person from committing a criminal offense that results in injury to person or property. The bill also makes the penalties for violating a protective order consistent with the penalties for violating a family abuse protective order: (i) any person convicted of a second violation of a protective order, when the offense is committed within five years of a conviction for a prior offense and when either the instant or prior offense was based on an act or threat of violence, shall be sentenced to a mandatory minimum term of confinement of 60 days; (ii) any person convicted of a third or subsequent offense, when such offense is committed within 20 years of the first conviction and when either the instant or any of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony and punishment shall include a mandatory minimum term of confinement of six months; (iii) any person who commits an assault and battery resulting in serious bodily injury upon a person protected by a protective order is guilty of a Class 6 felony; and (iv) any person who violates a protective order by furtively entering the home of the protected party while such party is present or enters and remains in such home until the protected party arrives is guilty of a Class 6 felony. This bill incorporates HB 1716, HB 1876, HB 2340, and HB 2422. This bill is identical to SB 1222.

HB 2089 Emergency protective orders; law-enforcement officer may serve notice.

Chief patron: Herring

Amends §16.1-264

Summary:

Provides that a law-enforcement officer may effect service of an emergency protective order by personally serving the person subject to the order with a notification of the issuance of the order, which shall be on a form approved by the Supreme Court of Virginia. The officer making service shall enter or cause to be entered the date and time of service and other appropriate information into the Virginia Criminal Information Network and make due return to the court.

HB 2106 Global Positioning System (GPS); tracking for person on bond or as a condition of probation.

Chief patron: Armstrong

Amends §§19.2-123 and 19.2-303

Summary:

Allows GPS (Global Positioning System) tracking for persons on secured bond or as a condition of probation or suspended sentence. This bill is identical to SB 925.

HB 2190 Victims of human trafficking; DSS to develop plan for provision of services.

Chief patron: Ebbin

Summary:

Requires the Department of Social Services to develop a plan for the provision of services to victims of human trafficking, which shall include provisions for (i) identifying victims of human trafficking in the Commonwealth; (ii) assisting victims of human trafficking with applying for benefits and services to which they may be entitled; (iii) coordinating the delivery of services for victims of human trafficking; (iv) preparing and disseminating educational and training programs and materials to increase awareness of human trafficking and services available to victims; (v) developing and maintaining community-based services for victims of human trafficking; and (vi)

assisting victims with family reunification or return to their place of origin if the person so desires.

HJ 561 Global Human Trafficking Awareness Day; designating as January 11, 2011, and each succeeding year.

Chief patron: Kory

Summary:

Designates January 11, in 2011 and in each succeeding year, as Global Human Trafficking Awareness Day in Virginia.

SB770 Underage drinking and driving; punishable as Class 1 misdemeanor.

Chief patron: Marsden

Amends §18.2-266.1

Summary:

Provides that "zero tolerance" (0.02% BAC) underage drinking and driving is punishable as a Class 1 misdemeanor. Currently, the punishment is loss of license for six months and a fine of no more than \$500. This bill provides that the punishment must include forfeiture of such person's license to operate a motor vehicle for a period of one year from the date of conviction and either a mandatory minimum fine of \$500 or 50 hours of community service. This bill is identical to HB 1407.

SB 841 Immunity of officers, etc., of nonprofit organizations; termination, etc., of corporation.

Chief patron: Petersen

Amends §§8.01-220.1:1, 13.1-870.1, and 13.1-870.2

Summary:

Provides that the immunity from civil liability the directors and other officers of tax exempt organizations enjoy for acts taken in their official capacities shall survive the termination, cancellation, or other discontinuance of the organization. This bill is identical to HB 1877.

SB 906 Family life education; SOL objectives related to dating violence, etc., to be taught in school.

Chief patron: Deeds

Summary:

Provides that any family life education curriculum offered by a local school division shall require the Standards of Learning objectives related to dating violence and the characteristics of abusive relationships to be taught at least once during middle school and at least twice during high school.

SB 1453 Human trafficking; DCJS, etc., regarding identification, etc., of offenses using existing statutes.

Chief patron: Newman

Amends §9.1-102.

Summary:

Requires the Department of Criminal Justice Services to, in conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing Virginia criminal statutes.