



# **2013 Summary of Victim Related Legislation**



**Virginia Department of  
Criminal Justice Services**

[www.dcjs.virginia.gov](http://www.dcjs.virginia.gov)



# Selected Crime Victim Related Bills That Passed

## [HB 1606](#) Prostitution; solicitation of a minor; penalty.

- *Chief patron:* Hugo, T.D.
- Amends § 18.2-346
- This bill provides that, in addition to the current Class 1 misdemeanor punishment for solicitation of prostitution generally, any person who solicits prostitution from a minor (i) 16 years of age or older and younger than 18 years of age is guilty of a Class 6 felony or (ii) younger than 16 years of age is guilty of a Class 5 felony.





# Selected Crime Victim Related Bills That Passed

**HB 1705 Criminal Injuries Compensation Fund; written notices, liability for reasonable charges for services.**

- *Chief patron:* Stolle, C. P.
- Amends § 8.01-66.9 and 19.2-305.1
- Through clarifying amendments, the Virginia General Assembly approved that the Criminal Injuries Compensation Fund (CICF) has a lien on funds CICF has awarded to victims. It provides that the Fund has a lien on a victim's claim if an award was made





# Selected Crime Victim Related Bills That Passed

## [HB 1705](#) (continued)

- from the Fund. The bill also provides that if the defendant pays restitution, and the Fund has made any payments for expenses included in the restitution order, then at the request of the Fund, the entity collecting the restitution must, upon presentation of a written request, pay as much of the restitution collected to the Fund as will reimburse the Fund for its payments.





# Selected Crime Victim Related Bills That Passed

**[HB 2061](#)** Health care practitioner, licensed; procedure for physical evidence recovery kit examination.

- *Chief patron:* Bulova, D.L.
- Adds § 54.1-2970.1
- This bill allows a licensed health care provider to perform a physical evidence recovery kit examination of a person who is believed to be the victim of a sexual assault and who is incapable of making an informed decision to consent to such examination,





# Selected Crime Victim Related Bills That Passed

## [HB 2061](#) (continued)

- when there is an immediate need to conduct the examination, no legally authorized representative is available to provide consent, and a capacity reviewer provides written certification that the person is incapable of providing informed consent and that the examination should be performed.
- This Bill is identical to [SB 1006](#).





# Selected Crime Victim Related Bills That Passed

**[HB 2211](#) Stalking; Class 6 felony for conviction of second offense within five years of prior conviction.**

- *Chief patron:* McClellan, et al.
- Amends § 18.2-60.3
- This bill proposes to amend § [18.2-60.3](#), stalking and penalties for stalking. The bill provides that, upon conviction of a second offense of stalking occurring within five years of a prior conviction of such an offense, if the person was also convicted within the





# Selected Crime Victim Related Bills That Passed

## [HB 2211](#) (continued)

- five-year period of (i) assault and battery when the victim of that crime was the same person who was the victim of the stalking activity in the instant conviction, (ii) domestic assault, or (iii) a protective order, such person is guilty of a Class 6 felony.







# Selected Crime Victim Related Bills That Passed

## **HB 1643** Protective orders; exempt from stay pending appeal.

- *Chief patron:* Watts, V. E.
- Amends §§ 16.1-106 and 16.1-298
- The bill clarifies that a protective order entered due to a violation of the initial protective order, as required in § [18.2-60.4](#), shall remain during an appeal. The bill also includes protective orders issued in conjunction with a family abuse disposition among other protective orders that are not stayed upon appeal, adding protective orders required by § [16.1-253.2](#). This





# Selected Crime Victim Related Bills That Passed

## [HB 1643](#) (continued)

- legislation makes the *Code* consistent with respect to protective orders being exempt from stay upon petition for or the pendency of an appeal and also ensures that victims retain the safeguards afforded by protective orders during the appeals process.
- This bill is identical to [SB 1016](#).





# Selected Crime Victim Related Bills That Passed

## **SB 1335** Concealed handgun permits; confidentiality of permittee information.

- *Chief patron:* Obenshain, M.
- Amends § 19.2-308
- This bill states that the clerk of court *shall* withhold from public disclosure the applicant's name and any other information contained in a permit application. Under current law, the clerk "may" withhold the social security number only.





# Selected Crime Victim Related Bills That Passed

## **HB 2061** Human trafficking hotline; posted notices.

- *Chief patron:* Bulova, et.al
- Amends §§ 40.1-11.3
- This bill includes truck stops with the businesses required to post notice of the existence of a human trafficking hotline. Under this legislation, a truck stop is defined as a “facility that is capable of fueling a qualified highway vehicle that bears an IFTA identification marker as those terms are defined in § 58.1-2700.” Currently, this is required for certain entertainment





# Selected Crime Victim Related Bills That Passed

## [HB 2061](#) (continued)

- businesses. Truck stops will have a 72-hour grace period to correct any violation prior to the penalty being assessed. Penalties will not be assessed prior to January 1, 2014.





# Selected Crime Victim Related Bills That Passed

**[HB 2120](#)** Health care practitioner, licensed; procedure for physical evidence recovery kit examination.

- *Chief patron:* Herring, C. L.
- Adds §54.1-2970.1
- This allows a licensed health care provider to perform a physical evidence recovery kit examination of a person who is believed to be the victim of a sexual assault and who is incapable of making an informed decision to consent to such examination, when there is





# Selected Crime Victim Related Bills That Passed

## [HB 2120](#) (continued)

- an immediate need to conduct the examination, no legally authorized representative is available to provide consent, and a capacity reviewer provides written certification that the person is incapable of providing informed consent and that the examination should be performed.
- This bill is identical to [SB 1006](#).





# Selected Crime Victim Related Bills That Passed

## **SB 1016** Protective orders; exempt from stay pending appeal.

- *Chief Patron:* Howell, Janet
- Adds §§ 16.1-106 and 16.1-298
- This clarifies that a protective order entered due to a violation of an initial protective order shall remain in effect upon petition for or the pendency of an appeal. The bill also includes family abuse protective orders issued in conjunction with a family abuse disposition among other protective orders that are not stayed upon appeal. This bill is a







# Selected Crime Victim Related Bills That Passed

## [SB 1016](#) (continued)

- recommendation of the Committee on District Courts.
- The bill is identical to [HB 1643](#).





# Selected Crime Victim Related Bills That Failed

[HB 1074](#) Prostitution; Class 1 misdemeanor for solicitation from a minor.

[HB 1086](#) Restitution; allows victim to authorize State attorney to collect.

[HJ 122](#) Parole; joint subcommittee to study reinstating in State.

[SB 16](#) Children; raises age for indecent liberties to under age of 16 years, penalty.

[SB 20](#) Rape; accomplished by ruse or trickery.





# Selected Crime Victim Related Bills That Failed

[SB 21](#) Rape; person who has sexual intercourse with complaining witness accomplished by coercion.

[SB 23](#) Adultery and fornication by persons forbidden to marry; penalty.

[SB 91](#) Sexually violent predators; civil commitment, report.

[SB 203](#) Adjudication of certain crimes; penalty.





# Selected Crime Victim Related Bills That Failed

[SB 205](#) Forensic evidence; delay in collecting for sexual assault cases.

[SB 290](#) Geriatric prisoners; removes petition requirement for Parole Board to consider conditional release.

[SB 554](#) Firearms; possession within residence of victim by persons subject to protective orders.





# Selected Crime Victim Related Bills That Failed

[SB 624](#) Higher educational institutions; required to notify parents that student may be suicidal.

[SB 666](#) Fines and fees; disposition of fines in traffic cases.

[HB 1991](#) Prostitution; disposition of minors





# Selected Crime Victim Related Bills

- Additional information about all bills considered and the state budget is available through the Legislative Information System which can be found at:  
<http://leg1.state.va.us/lis.htm>

