



2021 Legislative Update Regular Session Winter/Spring 2022

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2022 Legislative Update

Regular Session Winter/Spring 2022 Master List

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[Chapter 21 / 22](#) - School safety audits; law-enforcement officers.

Requires each local school board to require its schools to collaborate with the chief law-enforcement officer of the locality or his designee when conducting required school safety audits. Under current law, the division superintendent is required to make the results of such audits available to the chief law-enforcement officer upon request. The bill also requires that the completed walk-through checklist using the standardized checklist provided by the Virginia Center for School and Campus Safety be made available to the chief law-enforcement officer of the locality or his designee. Current law requires that the completed walk-through checklist be made available to the chief law-enforcement officer or his designee upon request.

Effective July 1, 2022

[Chapter 27](#) - Selling or possessing switchblade.

Eliminates the prohibition for selling, bartering, giving, furnishing, or possessing with the intent of selling, bartering, giving, or furnishing a switchblade.

Effective July 1, 2022

[Chapter 31](#) - Front and rear bumper height limits; emergency.

Provides that no passenger car or pickup or panel truck shall be operated on a public highway if the suspension, frame, or chassis has been modified by any means so as to cause the height of the front bumper to be four or more inches greater than the height of the rear bumper. The bill contains an emergency clause.

Effective March 22, 2022



Chapter 37 / 38 - Military honor guards and veterans service organizations; paramilitary activities; exception.

Exempts members of a lawfully recognized military color guard, honor guard, or similar organization, and members of a veterans service organization that is congressionally chartered or officially recognized by the U.S. Department of Veterans Affairs, when such member is participating in a training or educational exercise, funeral, or public ceremony on behalf of such military color guard, honor guard, or similar organization or veterans service organization, from the crime of unlawful paramilitary activity unless such member engages in such activity with malicious intent.

Effective July 1, 2022

Chapter 43 / 44 - Regulation of alarm systems; battery-charged fence security systems.

Allows a locality to require those persons providing or operating a battery-charged fence security system, defined in the bill, to obtain an alarm company permit and the corresponding fee and to require certain other requirements as defined in the bill. The bill provides that the locality can also require the installer of such security system to submit an affidavit disclosing information about the installation that includes an affirmation of compliance. The bill also provides that a locality can inspect such newly installed security system and issue a citation warning of noncompliance and can impose a penalty not exceeding \$500 if the noncompliance is not remedied within the time period specified by the locality.

Effective July 1, 2022

Chapter 45 / 46 - Human trafficking training for law-enforcement personnel.

Requires the Department of Criminal Justice Services to establish training standards for law-enforcement personnel regarding the recognition, prevention, and reporting of human trafficking.

Effective July 1, 2022

Chapter 47 / 48 - Bail for a person accused of a crime that is an act of violence; notice to attorney for the Commonwealth.

Requires a magistrate to transmit within 24 hours a copy of the checklist for bail determination form to the attorney for the Commonwealth when a magistrate conducts a bail hearing for a person arrested on a warrant or capias for an act of violence. The bill also provides that transmission of such copy to the attorney for the Commonwealth may be by facsimile or other electronic means.



Effective July 1, 2022

Chapter 50 - Projecting vehicle loads; flagging.

Requires any commercial motor vehicle transporting a load that extends beyond the sides of the vehicle by more than four inches or beyond the rear of a vehicle by more than four feet to have the extremities of the load marked by one or more red or orange fluorescent warning flags, located as specified in the bill, at least 18 inches both in length and width. The bill has a delayed effective date of July 1, 2023.

Effective July 1, 2023

Chapter 51 / 52 - Department of Motor Vehicles; permanent farm use placard.

Requires an owner or lessee of a vehicle claiming a farm use exemption from the registration, licensing, and decal requirements for a motor vehicle, trailer, or semitrailer to obtain a nontransferable permanent farm use placard from the Department of Motor Vehicles and to display the farm use placard on the vehicle at all times. The bill requires the applicant to provide specified information about the vehicle and its usage, pay a \$15 fee, and certify that the vehicle is insured. The provisions of the bill requiring the owner or lessee of a farm vehicle to obtain and display a farm use placard have a delayed effective date of July 1, 2023.

Effective July 1, 2023

Chapter 57 - Annual public elementary and secondary school safety audits; creation or review of school building floor plans required.

Requires each local school board, as part of each annual school safety audit, to create a detailed and accurate floor plan for each public school building in the local school division or certify that the existing floor plan for each such school is sufficiently detailed and accurate but provides that such floor plan may be withheld from public disclosure.

Effective July 1, 2022

Chapter 94 / 95 - Dealers; sale of dogs or cats for experimental purposes.

Prohibits a dealer, commercial dog breeder, or cat breeder, including an entity that breeds dogs or cats regulated under federal law as research animals, from importing for sale, selling, or offering for sale a dog or cat bred by a person who has received certain citations on or after July 1, 2023, pursuant to the federal Animal Welfare Act.



Effective July 1, 2023

Chapter 98 - Hunting on Sundays.

Permits hunting on Sunday on public or private land, so long as it takes place more than 200 yards from a place of worship.

Effective July 1, 2022

Chapter 110 - Misdemeanor sexual offenses where the victim is a minor; statute of limitations; penalty.

Provides that the prosecution of the misdemeanor offense of causing or encouraging acts rendering children delinquent where the alleged adult offender has consensual sexual intercourse with a minor who is 15 years of age or older at the time of the offense shall be commenced no later than five years after the victim reaches majority provided that the alleged adult offender was more than three years older than the victim at the time of the offense. Under current law, the prosecution of such offense shall be commenced within one year after commission of the offense.

Effective July 1, 2022

Chapter 114 / 115 - Drug Control Act; Schedule I; Schedule II; Schedule IV; Schedule V.

Adds certain chemicals to the Drug Control Act. The Board of Pharmacy has added these substances in an expedited regulatory process. A substance added via this process is removed from the schedule after 18 months unless a general law is enacted adding the substance to the schedule.

Effective July 1, 2022

Chapter 208 / 209 - Arrest and summons quotas; prohibition.

Prohibits (i) any agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers, (ii) any sheriff, (iii) any police force, or (iv) the Department of State Police from establishing a formal or informal quota that requires a law-enforcement officer to make a specific number of arrests or issue a specific number of summonses within a designated period of time. The bill also provides that the number of arrests made or summonses issued by a law-enforcement officer shall not be used as the sole criterion for evaluating the law-enforcement officer's job performance.



Effective July 1, 2022

Chapter 245 / 246 - Purchase of service handguns or other weapons by retired sworn law-enforcement officers.

Removes the requirement that a sworn law-enforcement officer be employed in a full-time capacity at the time of his retirement to purchase his service handgun.

Effective July 1, 2022

Chapter 248 / 684 - Service of process; investigator employed by an attorney for the Commonwealth or Indigent Defense Commission.

Provides that all investigators employed by an attorney for the Commonwealth or by the Indigent Defense Commission while engaged in the performance of their official duties when serving witness subpoenas shall not be considered a party or otherwise interested in the subject matter in controversy and, thus, are authorized to serve process to such witnesses.

Effective July 1, 2022

Chapter 259 / 642 - Abuse and neglect; financial exploitation; incapacitated adults; penalties.

Changes the term "incapacitated adult" to "vulnerable adult" for the purposes of the crime of abuse and neglect of such adults and defines "vulnerable adult" as any person 18 years of age or older who is impaired by reason of mental illness, intellectual or developmental disability, physical illness or disability, or other causes, including age, to the extent the adult lacks sufficient understanding or capacity to make, communicate, or carry out reasonable decisions concerning his well-being or has one or more limitations that substantially impair the adult's ability to independently provide for his daily needs or safeguard his person, property, or legal interests. The bill also changes the term "person with mental incapacity" to the same meaning of "vulnerable adult" for the purposes of the crime of financial exploitation. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference.

Effective July 1, 2022

Chapter 266 - Sharing of forfeited assets; promoting law enforcement.

Specifies that the forfeited property and assets paid to the state treasury into a special fund of the Department of Criminal Justice Services that shall be made available to



federal, state, and local agencies to promote law enforcement may include expenditures to strengthen the relationships between the community and law enforcement, encourage goodwill between the community and law enforcement, or promote cooperation with law enforcement.

Effective July 1, 2022

Chapter 270 - Criminal history record information check required to sell firearm; exception for purchase of service weapon.

Provides that the purchase of a service weapon by a retired law-enforcement officer is not subject to a criminal history record information check.

Effective July 1, 2022

Chapter 276 - Stalking; venue; penalty.

Allows a person to be prosecuted for a stalking charge in the jurisdiction where the person resided at the time of such stalking. The bill also provides that evidence of any conduct that occurred outside the Commonwealth may be admissible, if relevant, in any prosecution for stalking. Currently, such evidence is admissible as long as the prosecution is based upon conduct occurring within the Commonwealth.

Effective July 1, 2022

Chapter 277 - Local correctional facilities; entry privileges.

Authorizes the Governor and members of the General Assembly to enter the interior of any local correctional facility.

Effective July 1, 2022

Chapter 316 - Sex offenders in emergency shelters; notification registration.

Provides that a registered sex offender who enters an emergency shelter designated by the Commonwealth or any political subdivision thereof and operated in response to a declared state or local emergency shall, as soon as practicable after entry, notify a member of the shelter's staff who is responsible for providing security of such person's status as a registered sex offender. This bill provides that no person shall be denied entry solely on the basis of his status as a sex offender unless such entry is otherwise prohibited by law. The bill requires that the Department of State Police provide to any



registered sex offender at the time of his initial registration a summary of his obligation to inform the staff of an emergency shelter of his status as a registered sex offender.

Effective July 1, 2022

Chapter 326 - Criminal acts committed during a close pursuit; arrest warrant.

Provides that if a law-enforcement officer makes an arrest without a warrant when in close pursuit and such arrest is made beyond the boundary of the county or city from which the arrestee fled, then the law-enforcement officer shall procure a warrant from the magistrate serving the county or city wherein the arrest was made, charging the accused with the offense committed in the county or city from which he fled and any offense committed during the close pursuit in the county or city where such offense was committed. Under current law, such officer would not be able to obtain a warrant from the magistrate serving the county or city wherein the arrest was made for a criminal act committed during the close pursuit beyond the boundary of the county or city from which the arrestee fled.

Effective July 1, 2022

Chapter 336 - Threats and harassment of certain officials and property; venue.

Removes provisions that allow certain crimes relating to threats and harassment to be prosecuted in the City of Richmond if venue cannot otherwise be established and (i) the victim is the Governor, Governor-elect, Lieutenant Governor, Lieutenant Governor-elect, Attorney General, or Attorney General-elect, a member or employee of the General Assembly, a justice of the Supreme Court of Virginia, or a judge of the Court of Appeals of Virginia and (ii) such official or employee was threatened or harassed while engaged in the performance of his public duties or because of his position with the Commonwealth. The bill also removes provisions that allow threats to damage property to be prosecuted in the City of Richmond if (a) venue cannot otherwise be established and (b) the threatened property is owned by the Commonwealth and located in the Capitol District.

Effective July 1, 2022

Chapter 341 - Bicycles and certain other vehicles; riding two abreast.

Prohibits persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, or motorized skateboards or scooters two abreast from impeding the normal and reasonable movement of traffic and requires such persons to



move into a single-file formation as quickly as is practicable when being overtaken from the rear by a faster-moving vehicle.

Effective July 1, 2022

Chapter 366 - Child abuse and neglect; valid complaint.

Amends the definition of "abused or neglected child" to include a child who is sexually exploited or abused by an intimate partner of the child's parent or caretaker and allows a complaint of child abuse or neglect to be deemed valid by a local department of social services (local department) in such instances. The bill allows a complaint of child abuse or neglect that alleges child trafficking to be deemed valid regardless of who the alleged abuser is or whether the alleged abuser has been identified. The bill requires a local department that receives a complaint or report of child abuse or neglect over which it does not have jurisdiction to forward such complaint or report to the appropriate local department, if the local department that does have jurisdiction is located in the Commonwealth.

Effective July 1, 2022

Chapter 374 - Permanent protective orders; Hope Card Program created.

Requires the Office of the Executive Secretary of the Supreme Court of Virginia to develop and all district courts and circuit courts to implement the Hope Card Program (the Program) for the issuance of a Hope Card to any person who has been issued a permanent protective order by any district court or circuit court. The bill provides that a Hope Card issued pursuant to the Program shall be a durable, plastic, wallet-sized card containing, to the extent possible, essential information about the protective order, such as the identifying information and characteristics of the person subject to the protective order, the issuance and expiration date of the protective order, the terms of the protective order, and the names of any other persons protected by the protective order.

Effective July 1, 2022

Chapter 375 / 376 - Acquisition of certain military property by law-enforcement agencies.

Changes the limitation on the acquisition or purchase of military property by a law-enforcement agency from firearms of .50 caliber or higher to rifles of .50 caliber or higher and from ammunition of .50 caliber or higher to rifle ammunition of .50 caliber or higher.

Effective July 1, 2022



Chapter 386 - Virginia Freedom of Information Act; disclosure of certain criminal records.

Provides that (i) criminal investigative files relating to a criminal investigation or proceeding that is not ongoing are excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act, though they may be disclosed by the custodian of such records to certain individuals except as otherwise provided in the bill, and (ii) with the exception of disclosure to an attorney representing a petitioner or inspection by an attorney or a person proceeding pro se in a petition for a writ of habeas corpus or writ of actual innocence or any other federal or state post-conviction proceeding or pardon, no criminal investigative file or portion thereof shall be disclosed to any requester except (a) the victim; (b) the victim's immediate family members, if the victim is deceased and the immediate family member to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation; or (c) the victim's parent or guardian, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding, unless the public body has made reasonable efforts to notify any such individual of the request for such information. Upon receipt of notice that a public body has received a request for criminal investigative files, such persons shall have 14 days to file in an appropriate court for an injunction to prevent disclosure of the records and the time period within which the public body has to respond to the underlying request shall be tolled pending the notification process and any subsequent disposition by the court. The bill requires the court to consider certain information in making its determination and provides that a public body shall be prohibited from responding to the request until at least 14 days have passed from the time notice was received by any such individual listed in clauses (a), (b), or (c) and shall not disclose any criminal investigative files if the court awards an injunction.

Effective July 1, 2022

Chapter 394 / 395 - Receipt of critically missing adult reports; Virginia Critically Missing Adult Alert Program; definition.

Expands the definition of "critically missing adult" to include any missing adult, including an adult who has a developmental disability, intellectual disability, or mental illness, 18 years of age or older for the purpose of receipt of critically missing adult reports by a police or sheriff's department and the Virginia Critically Missing Adult Alert Program administered by the Department of State Police and removes from the Program the eligibility requirement that the adult is believed to have been abducted.



Effective July 1, 2022

Chapter 397 / 654 - Misuse of power of attorney; financial exploitation; incapacitated adults; penalty.

Makes it a Class 1 misdemeanor for an agent under a power of attorney to knowingly or intentionally engage in financial exploitation of an incapacitated adult who is the principal of that agent. The bill also provides that the agent's authority terminates upon such conviction. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference.

Effective July 1, 2022

Chapter 399 - Credit for time spent in confinement while awaiting trial; separate, dismissed, or nolle prosequi charges.

Provides that credit for time spent in confinement while awaiting trial shall include any time spent in pretrial confinement or detention on separate, dismissed, or nolle prosequi charges that are from the same act as the violation for which the person is convicted and sentenced to a term of confinement. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference.

Effective July 1, 2022

Chapter 403 - Search warrants; copy of search warrant and affidavit given to occupants.

Clarifies that if the owner of the place to be searched is not present, a copy of the search warrant and affidavit shall be given to at least one adult occupant of the place to be searched.

Effective July 1, 2022

Chapter 430 - Military personnel; leaves of absence.

Increases, from 15 to 21 days, the number of days a member of the armed services, reserves, National Guard, Virginia Defense Force, or National Defense Executive Reserve shall be entitled to paid leave for military duties. The bill applies only to individuals who are employed by the Commonwealth or a political subdivision of the Commonwealth.

Effective July 1, 2022



Chapter 453 / 454 - Physical evidence recovery kits; victim's right to notification; storage.

Provides that for a physical evidence recovery kit that (i) was collected by the Office of the Chief Medical Examiner as part of a routine death investigation and the medical examiner and the law-enforcement agency agree that analysis is not warranted, (ii) was determined by the law-enforcement agency not to be connected to a criminal offense, or (iii) is connected to an offense that occurred outside of the Commonwealth or another law-enforcement agency has taken over responsibility of the investigation and such kit is not transferred to another law-enforcement agency, the law-enforcement agency that received the physical evidence recovery kit shall store such kit for a period of 10 years or until 10 years after the victim reaches the age of majority if the victim was a minor at the time of collection, whichever is longer. The bill provides that after the mandatory retention period, the law-enforcement agency may destroy the physical evidence recovery kit, or in its discretion, may elect to retain the physical evidence recovery kit for a longer period of time. The bill also provides that when a state or local law-enforcement agency located within the Commonwealth has taken over responsibility for the investigation related to the physical evidence recovery kit, unless one of the other exceptions for submitting such kit to the Department of Forensic Science applies, the physical evidence recovery kit shall be transferred to such law-enforcement agency and such law-enforcement agency shall submit the physical evidence recovery kit to the Department of Forensic Science within 60 days of receipt from the original receiving law-enforcement agency.

The bill also requires the law-enforcement agency to inform the victim, parent, guardian, or next of kin of the unique identification number assigned to the physical evidence recovery kit utilized by the health care provider and the personal identification number required to view the status of the physical evidence recovery kit and provide information regarding the Physical Evidence Recovery Kit Tracking System, unless disclosing this information would interfere with the investigation or prosecution of the offense, in which case the victim, parent, guardian, or next of kin shall be informed of the estimated date on which the information may be disclosed, if known.

Effective July 1, 2022

Chapter 455 / 465 - Juvenile law-enforcement records; inspection.

Provides that a juvenile, the parent, guardian, or other custodian of the juvenile, and counsel for the juvenile may inspect a law-enforcement record concerning such juvenile if (i) no other law or rule of the Supreme Court of Virginia requires or allows withholding of the record; (ii) the parent, guardian, or other custodian requesting the record is not a



suspect, offender, or person of interest in the record; and (iii) any identifying information of any other involved juveniles is redacted.

Effective July 1, 2022

Chapter 457 / 458 - Traffic incident management vehicles.

Authorizes traffic incident management vehicles, defined in the bill, operated by persons who complete certain training and recertification requirements to be equipped with flashing red or red and white secondary warning lights.

Effective July 1, 2022

Chapter 482 - Emergency custody and temporary detention; transportation; transfer of custody.

Provides that when a magistrate orders alternative transportation for an individual under a temporary detention order, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order. Such alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the temporary detention facility, as is appropriate. The bill adds employees of and persons providing services pursuant to a contract with the Department of Behavioral Health and Developmental Services to the list of individuals who may serve as alternative transportation providers. The bill clarifies that if no alternative transportation provider is available, the magistrate shall order a person to be kept in law-enforcement custody. The bill also requires the Department of Behavioral Health and Developmental Services to amend an existing contract or enter into a new contract for alternative custody of persons who are subject to temporary detention orders, to the extent funding for such alternative custody is available.

Effective July 1, 2022

Chapter 484 - Virginia Retirement System; Line of Duty Act; medical reviews to be conducted by Virginia practitioners.

Provides that, for any medical review of a claim made pursuant to the provisions of the Line of Duty Act, the Virginia Retirement System shall require that such review be conducted by a doctor, nurse, or psychologist who is licensed in Virginia or a contiguous state. The bill has a delayed effective date of July 1, 2023.

Effective July 1, 2022



Chapter 490 - Exhaust systems; excessive noise.

Makes certain secondary offenses related to loud exhaust systems that are not in good working order primary offenses and exempts local ordinances related to such exhaust systems from the prohibition on law-enforcement officers stopping a vehicle for a violation of a local ordinance unless it is a jailable offense.

Effective July 1, 2022

Chapter 491 – Former law-enforcement officers; retention of identification and badge.

Provides that a former law-enforcement officer with at least 10 years of service who has been diagnosed with post-traumatic stress disorder or is disabled shall, upon request, be issued a photo identification and badge indicating that he honorably served, both of which will be mounted by the employing department or agency in such a manner that it will be impossible for anyone to carry it on his person.

Effective July 1, 2022

Chapter 506 / 507 - Careless driving; vulnerable road users.

Provides that a person is guilty of a Class 1 misdemeanor if he operates a vehicle in a careless or distracted manner and causes the death or serious bodily injury of a vulnerable road user. Current law only imposes the penalty if such careless or distracted operation causes serious bodily injury to the vulnerable road user. The bill also allows a court to suspend the driver's license or restrict the driver's license of a person convicted of careless driving for up to six months.

Effective July 1, 2022

Chapter 508 - Disposition when defendant found incompetent; involuntary admission of the defendant.

Provides that in cases where the defendant has been charged with a misdemeanor larceny-related offense or a misdemeanor offense for trespassing, destruction of property, intoxication in public, disorderly conduct, or failure to appear and is found to be incompetent following a competency evaluation, the competency report may recommend that the court direct the community services board or behavioral health authority to (i) conduct an evaluation to determine whether the defendant meets the criteria for temporary detention and (ii) upon determining that the defendant does meet the criteria for temporary detention, file a petition for issuance of an order for temporary



detention of the defendant. Similarly, the bill provides that, in cases in which a defendant has been charged with one of the listed misdemeanors, is found to be incompetent, and the competency report recommends that the defendant be temporarily detained, the court may dismiss the charges without prejudice and, in lieu of ordering that the defendant receive treatment to restore his competency, order the community services board or behavioral health authority to conduct an evaluation of the defendant and if the board or authority determines that the defendant meets the criteria for temporary detention, file a petition for issuance of an order for temporary detention. The bill provides that the court shall not dismiss such charges and enter such order if the attorney for the Commonwealth is involved in the prosecution of the case and does not concur in the motion. Under current law, the court is required to order that the defendant receive treatment to restore his competency. The bill also clarifies the process following the completion of the competency evaluation of a defendant. The bill has an expiration date of July 1, 2023.

Effective July 1, 2022

Chapter 542 - Juvenile law-enforcement records; disclosures to school principals.

Changes from discretionary to mandatory that the chief of police of a city or chief of police or sheriff of a county disclose to a school principal all instances where a juvenile at the principal's school has been charged with a violent juvenile felony, an arson offense, or a concealed weapon offense and adds an offense that requires a juvenile intake officer to make a report with the school division superintendent to the list of such instances that must be disclosed to a school principal for the protection of the juvenile, his fellow students, and school personnel.

Effective July 1, 2022

Chapter 594 - Sexual abuse of animals; penalty.

Provides that any person who knowingly (i) engages in sexual contact with an animal; (ii) causes another person by force, threat, or intimidation to engage in sexual contact with an animal; (iii) advertises, solicits, offers, sells, purchases, or possesses an animal with the intent that the animal be subject to sexual contact; (iv) permits sexual contact with an animal to be conducted on any premises under his ownership or control; or (v) produces, distributes, publishes, sells, transmits, finances, possesses, or possesses with the intent to distribute, publish, sell, or transmit an obscene item depicting a person engaged in sexual contact with an animal is guilty of a Class 6 felony. The bill also provides that any person convicted of sexual abuse of an animal shall be prohibited from possessing, owning, or exercising control over any animal and may be ordered to



attend an appropriate treatment program or obtain psychiatric or psychological counseling.

Effective July 1, 2022

Chapter 613 / 619 - Marcus alert system; participation.

Extends the date by which localities shall establish voluntary databases to be made available to the 9-1-1 alert system and the Marcus alert system to provide relevant mental health information and emergency contact information for appropriate response to an emergency or crisis from July 1, 2021, to July 1, 2023, and provides an exemption to the requirement that localities establish protocols for local law-enforcement agencies to enter into memorandums of agreement with mobile crisis response providers regarding requests for law-enforcement back-up during mobile crisis or community care team response and minimum standards, best practices, and a system for the review and approval of protocols for law-enforcement participation in the Marcus alert system for localities with a population that is less than or equal to 40,000, so that localities with a population that is less than or equal to 40,000 may but are not required to establish such protocols. The bill also requires the Department of Behavioral Health and Developmental Services to include in its annual report to the Governor and the Chairmen of the House Committees for Courts of Justice and on Health, Welfare and Institutions, the Senate Committees on the Judiciary and Education and Health, and the Behavioral Health Commission information regarding barriers to establishment of local Marcus alert programs and community care or mobile crisis teams to provide mobile crisis response in geographical areas served by community services boards or behavioral health agencies in which such programs and teams have not been established and a plan for addressing such barriers.

Effective July 1, 2022

Chapter 614 - Vicious dogs.

Requires a law-enforcement officer or animal control officer to apply to a magistrate for a summons for a vicious dog if such officer is located in either the jurisdiction where the vicious dog resides or in the jurisdiction where the vicious dog committed one of the acts set forth in the definition of a vicious dog. Current law requires such action only if the law-enforcement officer or animal control officer is located in the jurisdiction where the vicious dog resides. The bill also requires any evidentiary hearing or appeal to be held not less than 30 days from the date of the summons or appeal, unless good cause is found by the court.



Effective July 1, 2022

Chapter 645 - Criminal sexual assault; definition of intimate parts; penalty.

Includes in the definition of "intimate parts," for the purposes of criminal sexual assault, the chest of a child under the age of 15.

Effective July 1, 2022

Chapter 651 - Hunting with dogs; dogs to wear tags.

Requires that any dog engaged in lawful hunting wear a substantial collar with a tag attached that identifies the name of the owner or custodian of the dog and a current phone number.

Effective July 1, 2022

Chapter 664 / 665 - Catalytic converters; penalties.

Makes it a Class 6 felony for a person to willfully break, injure, tamper with, or remove any part or parts of any vehicle, aircraft, boat, or vessel for the purpose of injuring, defacing, or destroying said vehicle, aircraft, boat, or vessel, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner, or to in any other manner willfully or maliciously interfere with or prevent the running or operation of such vehicle, aircraft, boat, or vessel, when such violation involves the breaking, injuring, tampering with, or removal of a catalytic converter or the parts thereof. The bill also provides that prosecution for such felony is a bar to a prosecution or proceeding under the Code section prohibiting the injuring, etc., of any property, monument, etc., for the same act. Current law makes such violation a Class 1 misdemeanor.

Additionally, the bill requires that the copies of the documentation that scrap metal purchasers are required to maintain for purchases of catalytic converters or the parts thereof (i) establish that the person from whom they purchased the catalytic converter or the parts thereof had lawful possession of it at the time of sale or delivery and (ii) detail the scrap metal purchaser's diligent inquiry into whether the person selling had a legal right to do so. The bill also requires that such documentation be maintained for at least two years after the purchase and that copies be made available upon request to any law-enforcement officer, conservator of the peace, or special conservator of the peace in the performance of his duties who presents his credentials at the scrap metal purchaser's normal business location during normal business hours.



Effective July 1, 2022

Chapter 673 / 674 - Covering a security camera in a correctional facility; penalty.

Provides that any person who intentionally covers, removes, damages, renders inoperable, or otherwise obscures a security camera, as defined in the bill, without the permission of the sheriff, jail superintendent, warden, or Director of the Department of Corrections or Department of Juvenile Justice is guilty of a Class 1 misdemeanor. The bill also provides that any person who intentionally covers, removes, damages, renders inoperable, or otherwise obscures a security camera with the intent of inhibiting or preventing a security camera from recording or transmitting a photograph, motion picture, or other digital image of the commission of a felony is guilty of a Class 6 felony.

Effective July 1, 2022

Chapter 704 - Employment of retired law-enforcement officers; exemption from certain training requirements.

Provides that the Director of the Department of Criminal Justice Services shall exempt a law-enforcement officer who has demonstrated sensitivity to cultural diversity issues, had previous experience and training as a law-enforcement officer, is currently receiving or is eligible to receive a service retirement allowance, and has a break in service of no longer than 60 calendar months between retirement and new employment as a law-enforcement officer from the mandatory attendance of all courses that are required for the successful completion of the compulsory minimum training standards established by the Criminal Justice Services Board.

Effective July 1, 2022

Chapter 730 - Custody and transportation of persons subject to emergency custody or temporary detention order; alternative custody; auxiliary police officers.

Allows auxiliary police officers to provide transportation for a person subject to an emergency custody or temporary detention order. The bill also directs the Department of Criminal Justice Services to establish compulsory minimum training standards for auxiliary police officers who are called into service solely for the purpose of providing transportation for such person subject to an emergency custody order or providing transportation for a person in the temporary detention process.

Effective July 1, 2022



Chapter 736 - Exempted vehicles; insurance.

Requires motor vehicles, trailers, and semi-trailers exempted from the registration requirement to be covered by motor vehicle insurance; a general liability policy; or an umbrella or excess insurance policy. The bill requires the owner of any such motor vehicle, trailer, or semi-trailer to provide proof of insurance within 30 days when requested by a law-enforcement officer and provides that failure to do so is punishable as a traffic infraction by a fine of \$600 to be paid into the Uninsured Motorists Fund.

Effective July 1, 2022

Chapter 737 - Facial recognition technology; authorized uses; penalty.

Authorizes local law-enforcement agencies, campus police departments, and the Department of State Police (the Department) to use facial recognition technology for certain authorized uses as defined in the bill. The bill requires that the appropriate facial recognition technology be determined by the Division of Purchases and Supply and that such facial recognition technology be evaluated by the National Institute of Standards and Technology and have an accuracy score of at least 98 percent true positives across all demographic groups. The bill directs the Department to develop a model policy regarding the investigative uses of facial recognition technology, including training requirements and protocols for handling requests for assistance in the use of facial recognition technology made to the Department by local law-enforcement agencies and campus police departments, to be posted publicly no later than January 1, 2023, and requires local law-enforcement agencies or campus police departments that use facial recognition technology to either adopt the Department's model policy or develop an individual policy that meets or exceeds the standards set by the Department's model policy. The bill directs local law-enforcement agencies, campus police departments, and the Department to collect and maintain certain data related to the use of facial recognition technology and to publish an annual report to provide information to the public regarding the agency's use of facial recognition technology. The bill clarifies that any match made through facial recognition technology shall not be used in an affidavit to establish probable cause for the purposes of a search or arrest warrant. Additionally, any facial recognition technology operator employed by a local law-enforcement agency, campus police department, or the Department who violates the agency's or department's policy for the use of facial recognition technology or conducts a search for any reason other than those authorized by the bill is guilty of a Class 3 misdemeanor for a first offense, and is guilty of a Class 1 misdemeanor for a second or subsequent offense. The provisions of this act shall expire on July 1, 2026.

Effective July 1, 2022



Chapter 743 - Adult protective services investigations; financial institutions; furnishing of records and information.

Requires financial institutions to cooperate in any investigation of alleged adult abuse, neglect, or exploitation conducted by a local department of social services and to make any financial records or information relevant to such investigation available to the local department of social services upon request. Financial institutions may also voluntarily report information relevant to an adult protective services investigation to the local department of social services or to a court-appointed guardian ad litem for the adult under investigation. The bill provides that, absent gross negligence or willful misconduct, a financial institution is immune from civil or criminal liability for providing such information to a local department of social services or a court-appointed guardian ad litem.

Effective July 1, 2022

Chapter 756 - Virginia Freedom of Information Act; estimated charges; exception for certain scholastic.

Provides that a public body subject to the Virginia Freedom of Information Act shall make all reasonable efforts to supply records requested by a citizen at the lowest possible cost; however, no such public body shall charge for the provision of certain scholastic records, outlined in the bill. The bill requires a public body, prior to conducting a search for records, to notify the requester in writing of the public body's right to make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records. Finally, the bill provides that any costs incurred by a public body in estimating the cost of supplying requested records shall be applied toward the overall charges to be paid by the requester for the supplying of such records.

Effective July 1, 2022

Chapter 758 - Parking of vehicles; electric vehicle charging spots; civil penalties.

Prohibits a person from parking a vehicle not capable of receiving an electric charge or not in the process of charging in a space clearly marked as reserved for charging electric vehicles. A violation is subject to a civil penalty of no more than \$25.

Effective July 1, 2022



Chapter 793 / 794 - School principals; incident reports, written threats against school personnel, etc.

Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense. The bill provides, as an exception to the requirement to report any written threats against school personnel while on a school bus, on school property, or at a school-sponsored activity, that a principal is not required but may report to the local law-enforcement agency any such incident committed by a student who has an individualized education plan.

Effective July 1, 2022

Budget Amendments - HB30 Item 404 - Earned Sentence Credits

Clarifies that, notwithstanding the provisions of § 53.1-202.3, Code of Virginia, a maximum of 4.5 sentence credits may be earned for each 30 days served on a sentence that is concurrent with or consecutive to a sentence for a conviction of an offense enumerated in subsection A of § 53.1-202.3, Code of Virginia.

Effective July 1, 2022

Budget Amendments - HB30 Item 4-14 - Marijuana

Amends § 4.1-1100 to provide that, with the exception of possession by a person in his residence or possession by a licensee in the course of his duties related to such licensee's marijuana establishment, any person who possesses on his person or in any public place (i) more than four ounces but not more than one pound of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the Board is guilty of a Class 3 misdemeanor and, for a second or subsequent offense, a Class 2 misdemeanor and (ii) more than one pound of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the Board is guilty of a felony punishable by a term of imprisonment of not less than one year nor more than 10 years and a fine of not more than \$250,000, or both.

Also amends § 4.1-1101 to provide that:

“ A. Notwithstanding the provisions of subdivision c (c) of § 18.2-248.1, a person 21 years of age or older may cultivate up to four marijuana plants for personal use at their place of residence; however, at no point shall a household contain more than four



marijuana plants. For purposes of this section, a "household" means those individuals, whether related or not, who live in the same house or other place of residence.

A person may only cultivate marijuana plants pursuant to this section at such person's main place of residence.

A violation of this subsection shall be punishable as follows:

1. For possession of more than four marijuana plants but no more than 10 marijuana plants, (i) a civil penalty of \$250 for a first offense, (ii) a Class 3 misdemeanor for a second offense, and (iii) a Class 2 misdemeanor for a third and any subsequent offense;

2. For possession of more than 10 but no more than 49 marijuana plants, a Class 1 misdemeanor;

3. For possession of more than 49 but no more than 100 marijuana plants, a Class 6 felony; and

4. For possession of more than 100 marijuana plants, a felony punishable by a term of imprisonment of not less than one year nor more than 10 years or a fine of not more than \$250,000, or both.

B. A person who cultivates marijuana for personal use pursuant to this section shall:

1. Ensure that no marijuana plant is visible from a public way without the use of aircraft, binoculars, or other optical aids;

2. Take precautions to prevent unauthorized access by persons younger than 21 years of age; and

3. Attach to each marijuana plant a legible tag that includes the person's name, driver's license or identification number, and a notation that the marijuana plant is being grown for personal use as authorized under this section.

Any person who violates this subsection is subject to a civil penalty of no more than \$25. The penalty for any violations of this section by an adult shall be prepayable according to the procedures in § 16.1-69.40:2.

Effective July 1, 2022