



2023 Legislative Update **Regular Session Winter/Spring 2023**

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2023 Legislative Update

Regular Session Winter/Spring 2023 Master List

***For More Detail on Each Bill,
Please Click on the Hyperlink in the Descriptions Below***

[Chapter 22 / Chapter 23](#) False emergency communication to emergency personnel; false information, penalties, report.

Provides that it is a Class 1 misdemeanor for any person to knowingly report, or cause another to report in reliance on intentionally false information provided by such person, a false emergency communication to any emergency personnel that results in an emergency response.

The bill also provides that it is a Class 6 felony if such false emergency communication results in an emergency response and any person suffers a serious bodily injury as a direct and proximate result of the false emergency communication and a Class 5 felony if any person is killed as a direct and proximate result of the false emergency communication.

The bill authorizes any locality to provide by ordinance that a person convicted of such false emergency communication shall be liable for the reasonable expense in responding to such false emergency communication.

Effective July 1, 2023

[Chapter 24 / Chapter 25](#) Unmanned aircraft systems; trespass over correctional facilities, penalty.

Prohibits any unmanned aircraft system from (i) dropping any item within the boundaries of or (ii) obtaining any videographic or still image of any identifiable inmate or resident at any state or local correctional facility or juvenile correctional center without consent or authorization. A violation of this prohibition is a Class 1 misdemeanor.

Effective July 1, 2023

[Chapter 26](#) Retired state law-enforcement officers; retention of badge.

Provides that on and after July 1, 2023, upon the retirement of a state law-enforcement officer who is not a State Police officer, the employing department or agency shall, upon request of the retiree, award the retiree his badge or other insignia of his office for permanent keeping, provided that the employing department or agency has the badge or insignia mounted in such a



manner that it will be impossible for anyone to display such badge or insignia upon his person. Under current law, only a State Police officer may keep a mounted badge or insignia after his retirement.

Effective July 1, 2023

[Chapter 27](#) Civil cause of action; sexual abuse by person of authority; limitations period.

Creates a civil cause of action for injury to a person 18 years of age or older resulting from sexual abuse by a person of authority, defined in the bill. The bill further specifies that any such action shall be brought within 15 years after the cause of action accrues.

Effective July 1, 2023

[Chapter 28](#) / [Chapter 29](#) Child Pornography Registry; required information.

Requires the Child Pornography Registry to include hash values or other applicable identification method of all known or suspected child pornography obtained during the course of a criminal investigation or presented as evidence and used in any conviction. Under current law, the Registry is required to include copies of such content.

Effective July 1, 2023

[Chapter 32](#) Cigarette delivery sale requirements; definition of cigarette.

Defines the term "cigarette" for purposes of cigarette delivery sale requirements.

Effective July 1, 2023

[Chapter 40](#) / [Chapter 41](#) Applicant Fingerprint Database; participation in FBI Next Generation Identification Rap Back Service, through Virginia Rap Back Service, for fingerprint-based criminal history record monitoring; penalty.

Requires the Department of State Police to participate in the Federal Bureau of Investigation's Next Generation Identification Record of Arrest and Prosecution (Rap) Back Service, through the Virginia Rap Back Service, for the purpose of allowing those agencies and governmental entities that require a fingerprint-based criminal background check as a condition of (i) providing care to (a) children, (b) the disabled, or (c) the elderly or (ii) (a) licensure, (b) certification, (c) employment, or (d) volunteer service to be advised when an individual subject to such screening is arrested for, or convicted of, a criminal offense. The bill provides that fingerprints submitted to the FBI through the Virginia Rap Back Service may be used for future searches, including latent searches.

The bill requires the Department to ensure that notification is made to the participating entity, defined in the bill, when an FBI Rap Back report is received. Any unauthorized use of the



information submitted to the Service is prohibited; any willful violation with the intent to harass or intimidate another is a Class 1 misdemeanor. The bill requires the Department to promulgate regulations governing the Service and the removal and destruction of records on persons who are deceased or are no longer enrolled in the Service. The bill provides that such regulations shall provide that a participating entity shall disenroll any individual who is deceased or is no longer an individual, as defined in the bill, within 30 days of death or such event that no longer requires such individual to be enrolled in the Virginia Rap Back Service in order to ensure the prompt removal and destruction of records from the Virginia Rap Back Service. The bill authorizes the Department to charge a \$12 fee per individual enrolled in the Service, paid by any participating entity enrolling the individual in the Service, and provides that when more than one participating agency enrolls the same individual in the Service, both entities shall be responsible for paying the full cost for maintenance and notification. The bill requires that any fees collected shall be deposited in a special account to offset costs of subscription fees, maintenance fees, and enhancements related to the Criminal and Rap Back Information Service.

Under current law, the Department maintains an Applicant Fingerprint Database that functions similarly to the Service. The bill transitions the Department from using the Database and requires the Service to be operational no later than July 1, 2025, contingent upon appropriation of funds.

[Chapter 82](#) / [Chapter 83](#) Unemployment compensation; venue for prosecution of certain criminal cases.

Provides that the venue for criminal cases involving false statements, representations, or nondisclosures by an employing unit or an individual with regard to an unemployment claim lies in the county or city wherein the statement, representation, or nondisclosure originates or, alternatively, is received by the Virginia Employment Commission. Under current law, the venue for such cases lies solely in the county or city wherein such statement, representation, or nondisclosure is received by the Commission.

Effective July 1, 2023

[Chapter 85](#) / [Chapter 86](#) Farm use placards.

Delays from July 1, 2023, to July 1, 2024, the date by which vehicles claiming a farm use exemption are required to obtain a farm use placard from the Department of Motor Vehicles and display such placard at all times. The bill provides that the requirement to display a farm use placard only applies to pickup or panel trucks and sport utility vehicles. The bill removes certain requirements on the application for a farm use placard, prohibits requesting additional information on such application, and prohibits disclosure of application information. The bill authorizes the use of an agricultural or horticultural vehicle for disposing of incidental refuse and a seasonal transportation vehicle for driving to a storage house, packing plant, or market regardless of distance. The bill clarifies that the exemption for transporting back to a farm essential food includes procuring a meal for a farmer or his employees and that such exemption



applies while engaged in authorized farm vehicle uses. The bill exempts vehicles required to obtain a farm use placard from the motor vehicle sales and use tax and authorizes localities to exempt such vehicles from personal property tax.

Effective July 1, 2024

[Chapter 90](#) / [Chapter 91](#) **Possession, purchase, or sale of catalytic converters; penalty.**

it a Class 6 felony for any person to sell, offer for sale, or purchase a catalytic converter from a motor vehicle exhaust system that has been detached from a motor vehicle, except when such sale, offer for sale, or purchase is made to or by a scrap metal purchaser that has adhered to the required compliance provisions. The bill provides that a judge or jury may make a permissive inference that a person who is in possession of a catalytic converter that has been removed from a motor vehicle is presumed to have criminally obtained such catalytic converter unless the person is an authorized agent or employee acting in the performance of his official duties for a motor vehicle dealer, motor vehicle garage or repair shop, or salvage yard that is licensed or registered by the Commonwealth or a person who possesses vehicle registration documentation indicating that the catalytic converter in the person's possession is the result of a replacement of a catalytic converter from a vehicle registered in that person's name.

Effective July 1, 2023

[Chapter 92](#) **Attorney-issued subpoenas; release of witness.**

Provides that, in a civil case only, a person to whom an attorney-issued subpoena is directed may be released from compliance with such subpoena by the attorney who issued the subpoena or a person acting on such attorney's behalf. As introduced, this bill is a recommendation of the Boyd-Graves Conference.

Effective July 1, 2023

[Chapter 93](#) / [Chapter 94](#) **Concealed handgun permit; demonstrated competence.**

Adds a firearms safety or training course conducted by the United States Concealed Carry Association (USCCA) or by a USCCA-certified firearms instructor, or any firearms safety or training course or class available to the general public offered by a law-enforcement agency, institution of higher education, or private or public institution or organization or firearms training school utilizing instructors certified by the USCCA to those programs that satisfy the demonstration of competence requirement for the issuance of a Virginia resident or nonresident concealed handgun permit.

Effective July 1, 2023



[Chapter 107](#) / [Chapter 108](#) Conservators of the peace; search warrants; military criminal investigative organizations.

Provides that a special agent of the United States Army Criminal Investigation Division and United States Air Force Office of Special Investigations shall be a conservator of the peace and may serve a search warrant jointly with a Virginia law-enforcement officer. Under current law, of the federal military investigation offices, only a special agent of the United States Naval Criminal Investigative Service has this authority. The bill contains technical amendments.

Effective July 1, 2023

[Chapter 115](#) / [Chapter 116](#) Department of Corrections; possession and administration of naloxone.

Adds employees of the Department of Corrections designated by the Director of the Department to the list of persons who are authorized to possess and administer naloxone or other opioid antagonists. Under current law, the only employees of the Department authorized to possess and administer naloxone or other opioid antagonists are those designated as probation and parole officers or as correctional officers.

Effective July 1, 2023

[Chapter 117](#) Drivers stopping for pedestrians; certain signs; stops.

Requires the driver of a vehicle on a highway approaching a pedestrian who is crossing such highway to stop when such pedestrian is within the driver's lane or within an adjacent lane and approaching the driver's lane. Currently, a driver is required to yield the right-of-way to such pedestrian by stopping and remaining stopped. The bill also provides that localities that are already authorized to install signs directing motor vehicles to yield the right-of-way to pedestrians crossing or attempting to cross a highway may also install signs directing motor vehicles to stop for such pedestrians.

Effective July 1, 2023

[Chapter 142](#) / [Chapter 143](#) Drug Control Act; prohibition of distribution of hypodermic needles; exception.

Provides an exception to the prohibition of distribution of hypodermic needles for the distribution of hypodermic needles that are designed to be used with a reusable injector pen for the administration of insulin.

Effective July 1, 2023



[Chapter 168](#) / [Chapter 169](#) Temporary detention; release of detained individual.

Permits the director of a facility where a person is awaiting transport to the facility of temporary detention pursuant to a temporary detention order to release the person if an employee or a designee of the local community services board, in consultation with the person's treating physician, (i) conducts an evaluation of the person, (ii) determines that the person no longer meets the commitment criteria, (iii) authorizes the release of the person, and (iv) provides a discharge plan.

Effective July 1, 2023

[Chapter 170](#) Child-protective services; investigations; interview by child advocacy center.

Requires that if a local multidisciplinary team has determined during an investigation of a report of child abuse or neglect that an interview of the child by a child advocacy center recognized by the National Children's Alliance is needed and an interview with a recognized child advocacy center within the jurisdiction cannot be completed within 14 days, the local department of social services may facilitate the interview with a recognized child advocacy center located in another jurisdiction.

Effective July 1, 2023

[Chapter 174](#) / [Chapter 175](#) Temporary detention in hospital for testing, observation, or treatment; mental or physical conditions resulting from intoxication.

Clarifies that when a mental or physical condition appears to be a result of intoxication, a licensed physician who has attempted to obtain informed consent of an adult person for treatment of such mental or physical condition appearing to be a result of intoxication may seek an order from the magistrate or court in the jurisdiction where the respondent is located authorizing temporary detention of the adult person in a hospital emergency department or other appropriate facility for testing, observation, or treatment, provided that certain conditions are met.

Effective July 1, 2023

[Chapter 188](#) / [Chapter 189](#) Drug Control Act; Schedule I.

Adds certain chemicals to Schedule I of 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, 2023



[Chapter 200](#) Threats made against health care providers; penalty.

Removes the location element that specifies a health care provider must be in a hospital or in an emergency room on the premises of a clinic or other facility rendering emergency medical care from the crime of making an oral threat to kill or to do bodily injury to a health care provider.

Effective July 1, 2023

[Chapter 201](#) / [Chapter 202](#) Causing a telephone or other device to signal with intent to annoy; emergency communications; penalty.

Modernizes the statute prohibiting harassment of emergency personnel in the performance of their duties by causing a telephone to ring to include a prohibition on causing any other device to signal with the intent to annoy, harass, hinder, or delay such emergency personnel.

Effective July 1, 2023

[Chapter 203](#) Purchase of handguns or other weapons of certain officers; Department of State Police.

Provides that the Department of State Police may allow any law-enforcement officer formerly employed by the Department who had at least 10 years of service with the Department and has been elected to a constitutional office to purchase his service handgun, with the approval of the Superintendent of State Police, at a fair market price.

Effective July 1, 2023

[Chapter 215](#) / [Chapter 216](#) Police powers of fire marshals; training requirements.

Provides that a local fire marshal or assistant shall not exercise any police powers until such person has satisfactorily completed a basic law-enforcement course for fire marshals with police powers and maintains satisfactory participation in in-service and advanced courses and programs. The bill also provides that current or prior certification as a law-enforcement officer may satisfy the police powers training requirements.

Effective July 1, 2023

[Chapter 220](#) Firearm safety device tax credit.

Establishes a nonrefundable income tax credit for taxable years 2023 through 2027 for individuals who purchase one or more firearm safety devices, as defined in the bill, in an eligible transaction, as defined in the bill. An individual who properly claims this credit shall be allowed a credit in the amount of up to \$300 for the cost incurred in such purchase. The aggregate amount of credits allowable under the provisions of the bill shall not exceed \$5 million per taxable year.



[Chapter 235](#) **Objects obstructing driver's view; dashboard cameras allowed.**

Allows the suspension and use of any dashboard camera and any accompanying wires or attachments in or on a motor vehicle, provided that (i) such suspension and use are not otherwise prohibited by the provisions of Title 49 of the Code of Federal Regulations and (ii) such camera, wires, and attachments are wholly or mostly concealed behind the rear view mirror without any additional obstruction to the driver's view.

[Chapter 243](#) / [Chapter 244](#) **Workers' compensation; post-traumatic stress disorder, anxiety disorder, or depressive disorder; law-enforcement officers and firefighters.**

Provides that an anxiety disorder or depressive disorder, as both are defined in the bill, incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act on the same basis as post-traumatic stress disorder, except in the case of responding to crime scenes for investigation. The bill provides that a mental health professional must diagnose the covered individual as suffering from anxiety disorder or depressive disorder as a result of a qualifying event, defined in the bill as an incident or exposure occurring in the line of duty on or after July 1, 2023, and includes other conditions for compensability.

Effective July 1, 2023

[Chapter 279](#) **Concealed handgun permits; Virginia Criminal Information Network; disclosure of information.**

Limits the exception to the requirement that the State Police withhold from public disclosure concealed handgun permittee information submitted to the State Police for purposes of entry into the Virginia Criminal Information Network provided under current law for any law-enforcement agency, officer, or authorized agent thereof acting in the performance of official law-enforcement duties or an entity that has a valid contract with any local, state, or federal law-enforcement agency for the purpose of performing official duties of the law-enforcement agency to apply only when such permittee information is related to an ongoing criminal investigation or prosecution.

Effective July 1, 2023

[Chapter 282](#) / [Chapter 283](#) **Public elementary and secondary schools; reports of certain arrests and convictions; receipt, report, and compilation.**

Requires each division superintendent to annually designate an employee in the local school division as the division safety official whose duty is to receive all reports required to be made pursuant to relevant law from (i) 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 such local school division for a felony or a Class 1 misdemeanor or an equivalent offense in another state and (ii)



the clerk of any circuit court or any district court in the Commonwealth upon the felony conviction of any person known by such clerk to be employed by such local school division.

The bill requires each division superintendent to include such division safety official designation in the collated packet of school safety audits submitted to the Virginia Center for School and Campus Safety pursuant to relevant law and requires the Center to designate an employee of the Center as the school personnel safety official for the Commonwealth whose duty is to compile, maintain, and make publicly available a list of each such division safety official. The bill requires such designation to include updated contact information for the division safety official and requires such safety official to at least annually confirm with each division superintendent that such contact information is up to date and accurate.

The bill also provides that a probation and parole officer who is supervising a person employed by a local school division in the Commonwealth shall, upon discovering that such supervised person has been arrested or convicted of a felony offense or an equivalent offense in another state, report such arrest or conviction to the Superintendent of Public Instruction and the designated division safety official in the local school division where such supervised person is employed as soon as practicable. The bill requires any such report to be transmitted via certified mail to the mailing address identified by the division superintendent or via fax and email to the fax number and email address identified by the division superintendent, pursuant to the applicable provisions of the bill. Finally, the bill requires, until July 1, 2027, that all such arresting officials or agencies request in writing that the Virginia Employment Commission provide the name of the current employer of each arrested person for purposes of determining whether such notice is required.

Effective July 1, 2023

[Chapter 312 Trace evidence collection kit.](#)

Provides for the collection, retention, and storage of a trace evidence collection kit or anonymous trace evidence collection kit, defined in the bill, collected as part of a forensic medical examination of a victim of strangulation, with some procedures that parallel existing procedures for the collection, retention, and storage of physical evidence recovery kits collected for victims of sexual assault. The bill requires the Commonwealth to pay all medical fees relating to the collection of a trace evidence collection kit and does not require victims complaining of strangulation to participate in the criminal justice system or cooperate with law-enforcement authorities in order to be provided with such forensic medical examination. The bill has a delayed effective date of July 1, 2025.



[Chapter 324](#) Lights on other vehicles; animal-drawn vehicles.

Clarifies that the existing requirements for vehicles to display white lights in the front and red lights in the rear or approved reflectors applies to animal-drawn vehicles. The bill also provides that such lights may be battery-operated.

Effective July 1, 2023

[Chapter 327](#) Emergency custody; temporary detention; alternative transportation; use of restraint.

Requires magistrates to authorize alternative transportation of a person subject to an emergency custody order or temporary detention order if appropriate alternative transportation is available. The bill allows an employee or contractor of an entity providing alternative transportation services pursuant to a contract with the Department of Behavioral Health and Developmental Services who has completed training approved by the Department in the proper and safe use of restraint to use restraint (i) if restraint is necessary to ensure the safety of the person or others or prevent escape and (ii) if less restrictive techniques have been determined to be ineffective to protect the person or others from harm or to prevent escape.

Effective July 1, 2023

[Chapter 330](#) Financial exploitation of vulnerable adults; venue.

Provides that, in addition to the county or city in which any act was performed in furtherance of the offense or the accused resided at the time of the offense, venue for the trial of an accused charged with financial exploitation of a vulnerable adult may be in any county or city in which (i) the vulnerable adult resides or resided at the time of the offense or (ii) the vulnerable adult sustained a financial loss as a result of the offense. This bill is a recommendation of the Virginia Criminal Justice Conference.

Effective July 1, 2023

[Chapter 331](#) Department of Criminal Justice Services; powers and duties; training for law-enforcement personnel.

Requires the Department of Criminal Justice Services, under the direction of the Criminal Justice Services Board, to establish training standards and publish a model policy for the identification of, communication with, and facilitation of the safe return of individuals diagnosed with dementia by law-enforcement personnel. Under current law, such training standards and model policies are focused solely on individuals diagnosed with Alzheimer's disease.

Effective July 1, 2023



[Chapter 355](#) Removal by locality of unattended or immobile vehicles.

Allows for the removal of certain unattended or immobile vehicles by the locality's civil code enforcement division. Current law provides that such removal must be carried out under the direction of a law-enforcement officer or other uniformed employee of the local law-enforcement agency who specifically is authorized to do so.

Effective July 1, 2023

[Chapter 357](#) / [Chapter 358](#) Organized retail theft; report; penalty.

Establishes the crime of organized retail theft that makes it a Class 3 felony for any person who conspires or acts in concert with another person to commit simple larceny of retail property from one or more retail mercantile establishments, with a value exceeding \$5,000 aggregated over a 90-day period, with the intent to sell such retail property for monetary or other gain, and who takes or causes such retail property to be placed in the control of a retail property fence or other person and either (i) receives or possesses any retail property that has been obtained by simple larceny from one or more retail mercantile establishments while knowing or having reasonable grounds to believe the property was unlawfully obtained or (ii) conspires or acts in concert with two or more other persons as an organizer, supervisor, financier, leader, or manager to engage for profit in a scheme or course of conduct to effectuate the transfer or sale of property obtained by simple larceny from one or more retail mercantile establishments. The bill defines the terms retail mercantile establishment, retail property, and retail property fence. The bill also establishes the Organized Retail Crime Fund to be administered by the Attorney General solely for the purposes of awarding grants to attorneys for the Commonwealth and law-enforcement agencies to investigate, indict, and prosecute violations of organized retail theft and associated fraud and property crimes.

Effective July 1, 2023

[Chapter 359](#) Buying or selling of minors; exceptions; penalties.

Creates a Class 5 felony for any person who offers money or other valuable thing to another for the purpose of purchasing or otherwise obtaining custody or control of a minor and thereafter does any substantial act in furtherance of such offer of purchase or obtaining custody or control of such minor. The bill also creates a Class 5 felony for any parent, legal guardian, or other person having custody or control of a minor who receives any money or other valuable thing for or on account of selling or otherwise transferring custody or control of such minor or who offers to sell or otherwise transfer custody or control of such minor. The bill creates exceptions for any person entering into a surrogacy contract, seeking to adopt a child or place his child for adoption pursuant to relevant law, or who is a person with a legitimate interest, as defined by law, in such minor.

Effective July 1, 2023



[Chapter 360](#) Civil disturbance; local curfew; penalty.

Enables the chief law-enforcement officer of a locality to enact a curfew under certain circumstances during a civil disturbance. The bill clarifies that such action in cities shall be in concurrence with the city manager and the mayor. The bill requires that such action specify the hours of the curfew and the geographic area to which the curfew applies and provide for various specified exceptions. The action authorizing the curfew shall provide for reasonable efforts to inform the public in advance of the curfew, which shall be valid for no more than 24 hours. The bill provides that such curfew shall not be extended or renewed unless by recorded vote of the local governing body or by judicial order. The bill provides that any violation is a Class 1 misdemeanor.

Effective July 1, 2023

[Chapter 370](#) Family abuse protective orders; relief available; password to electronic device; enjoining surveillance; penalty.

Provides that as a condition to be imposed by the court on the respondent, a petitioner with a protective order issued in a case that alleges family abuse and, where appropriate, any other family or household member, must be given the relevant password when being granted exclusive use and possession of a cellular telephone or other electronic device. The bill further provides that the court may enjoin the respondent from using a cellular telephone or other electronic device to surveille the petitioner.

Effective July 1, 2023

[Chapter 379](#) / [Chapter 380](#) Civil commitment of sexually violent predators; penalty.

Creates a Class 6 felony for any civilly committed sexually violent predator who tampers with or in any way attempts to circumvent the operation of his GPS equipment while on conditional release.

Effective July 1, 2023

[Chapter 381](#) Peeping or spying into a dwelling or enclosure; electronic device; penalty.

Prohibits any person from knowingly and intentionally causing an unmanned aircraft system to secretly or furtively peep, spy, or attempt to peep or spy into or through a window, door, or other aperture of any building, structure, or other enclosure occupied or intended for occupancy as a dwelling, whether or not such building, structure, or enclosure is permanently situated or transportable and whether or not such occupancy is permanent or temporary, without just cause, under circumstances that would violate the occupant's reasonable expectation of privacy.

Effective July 1, 2023



[Chapter 382](#) Passing stopped school buses; purpose of stop; prima facie evidence.

Makes evidence that a bus was stopped with at least one warning device activated prima facie evidence that the bus was stopped for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons.

Effective July 1, 2023

[Chapter 383](#) / [Chapter 384](#) Weapon of terrorism; definition; penalty.

Includes any mixture or substance containing a detectable amount of fentanyl, including its isomers, esters, ethers, salts, and salts of isomers, as a weapon of terrorism for the purpose of defining terrorism offenses. The bill provides that any person who knowingly and intentionally manufactures or knowingly and intentionally distributes a weapon of terrorism when such person knows that such weapon of terrorism is, or contains, any mixture or substance containing a detectable amount of fentanyl is guilty of a Class 4 felony.

Effective July 1, 2023

[Chapter 392](#) / [Chapter 393](#) Correctional facilities; use of restorative housing.

Prohibits the use of restorative housing, defined in the bill, in state correctional facilities, subject to certain exceptions. The bill requires that an incarcerated person who has been placed in restorative housing be offered a minimum of four hours of out-of-cell programmatic interventions or other congregate activities per day aimed at promoting personal development or addressing underlying causes of problematic behavior. The bill also requires the facility administrator to have a defined and publicly available policy and procedure for the process of transitioning an incarcerated person placed in restorative housing out of such housing and back to the general population of the facility.

Effective July 1, 2023

[Chapter 394](#) / [Chapter 395](#) Vehicle safety inspection; commercial vehicles; exemption.

Provides that a commercial vehicle operating in interstate commerce is exempt from the vehicle safety inspection requirement if, in addition to other criteria, such vehicle is inspected in accordance with the federal requirements for annual inspection by complying with federal periodic inspection requirements. Current law requires annual inspection through self-inspection, a third-party inspection, a Commercial Vehicle Safety Alliance inspection, or a periodic inspection performed by any state with a program in order for the vehicle to be exempt.

Effective July 1, 2023



[Chapter 396](#) / [Chapter 397](#) Crimes by gangs.

Provides that the definition of "predicate criminal act" includes all violent felony offenses for purposes of predicate criminal acts for street gangs. The bill also increases various penalties for gang crimes.

Effective July 1, 2023

[Chapter 400](#) Abduction of a minor; penalty.

Makes the abduction of a minor a Class 2 felony, unless such abduction is committed by the parent or a family or household member who has been ordered custody or visitation of the person abducted, for which there is a prescribed punishment. Under current law, abduction of any person is punishable as a Class 5 felony if there is no other prescribed punishment. The bill also makes an abduction committed by a family or household member who has been ordered custody or visitation of the person abducted punishable the same as an abduction committed by the parent of the person abducted.

Effective July 1, 2023

[Chapter 401](#) / [Chapter 402](#) Passing stopped school buses; rebuttable presumption.

Extends from 10 days to 30 business days the deadline for issuing a summons for an alleged violation of passing a stopped school bus in order for proof that the motor vehicle passed a stopped school bus and that the defendant was the registered owner of the vehicle to give rise to a rebuttable presumption that the owner of the vehicle was the operator during the violation.

Effective July 1, 2023

[Chapter 417](#) Hospital emergency departments; required security plan; regulations.

Directs the Board of Health to amend its regulations to require every hospital with an emergency department to establish a security plan. The bill requires that such security plan be developed using standards established by the International Association for Healthcare Security and Safety or other industry standard and be based on the results of a security risk assessment of each emergency department location of the hospital. The bill requires that the security plan include the presence of at least one off-duty law-enforcement officer or trained security personnel who is present in the emergency department at all times as indicated to be necessary and appropriate by the security risk assessment. The bill provides for a waiver from the requirement that at least one off-duty law-enforcement officer or trained security personnel be present at all times in the emergency department if the hospital demonstrates that a different level of security is necessary and appropriate for any of its emergency departments based upon findings in the security risk assessment.

Effective July 1, 2023



[Chapter 420](#) Virginia Freedom of Information Act; disclosure of personnel records.

Clarifies that personnel records excluded from disclosure under the Virginia Freedom of Information Act include those of persons employed by (i) a public body engaged in emergency medical services or fire protection services, (ii) a law-enforcement agency, or (iii) an emergency 911 system or any other equivalent reporting system. The bill also contains technical amendments.

Effective July 1, 2023

[Chapter 442](#) / [Chapter 443](#) Writs of eviction; returns to issuing clerk; report.

Requires the sheriff executing a writ of eviction to return such executed writ to the clerk of court who issued such writ. The bill further directs the Office of the Executive Secretary of the Supreme Court of Virginia to report annually to the Chairmen of the Senate Committee on the Judiciary, the Senate Committee on General Laws and Technology, the House Committee for Courts of Justice, the House Committee on General Laws, and the Virginia Housing Commission on the number of executed writs returned during the preceding fiscal year and directs the Virginia Housing Commission to direct an existing stakeholder work group to study for a period of one year a more comprehensive data collection process to track the resolution of writs of unlawful detainers filed in the Commonwealth.

Effective July 1, 2023

[Chapter 465](#) Motion for the disclosure of expunged records in a civil case.

Provides that in an action for damages against a locality or a law-enforcement officer arising out of or relating to charges where a petition for the expungement of police and court records for such charges is pending or where the records have been expunged, any party to such action may file a motion in the court in which the action is pending, or in the court where the petition for the expungement was or is pending, for the release of the expunged records for use in the civil litigation, and, upon motion and for good cause shown, such police and court records shall be ordered to be released and the relevant penalties relating to disclosure of such expunged records shall not apply.

Effective July 1, 2023

[Chapter 487](#) / [Chapter 488](#) Adult protective services; referrals to local law enforcement.

Removes the requirement that the adult protective services hotline immediately refer certain reports of alleged adult abuse, neglect, or exploitation to the appropriate local law-enforcement agency and removes the duty of local law-enforcement agencies to provide the adult protective services hotline with a preferred point of contact for such referrals. The bill retains the requirement for the local department of social services to immediately refer such reports to the appropriate local law-enforcement agency and the duty of local law-enforcement agencies to provide local departments of social services with a preferred point of contact for such referrals.



Effective July 1, 2023

[Chapter 534](#) Virginia Freedom of Information Act; public records charges; electronic payment method.

Provides that any local public body that charges for the production of public records pursuant to the Virginia Freedom of Information Act may provide an electronic method of payment through which all payments for the production of such records to such locality may be made.

Effective July 1, 2023

[Chapter 549](#) Assault and battery; public transportation service vehicle operators; penalty.

Makes it a Class 1 misdemeanor for a person to commit a battery against another knowing or having reason to know that such individual is an operator of a vehicle operated by a public transportation service who is engaged in the performance of his duties. The bill requires the sentence of such person, upon conviction, to prohibit such person from entering or riding in any vehicle operated by the public transportation service that employed such operator for a period of not less than six months as a term and condition of such sentence.

The bill also makes it a Class 1 misdemeanor for any person to enter or ride in a vehicle operated by a public transportation service who has been prohibited to do so after being convicted of an assault and battery against an operator of a vehicle operated by a public transportation service who is engaged in the performance of his duties.

Effective July 1, 2023

[Chapter 554](#) / [Chapter 555](#) Criminal records; expungement and sealing of records; repeal.

Repeals the statute providing for the limitation on the dissemination of criminal history record information related to the possession of marijuana and the statute related to automatic sealing for mistaken identity or unauthorized use of identifying information. The bill also repeals the provisions related to the automatic and petition-based expungement of former marijuana offenses and instead provides for the sealing of such offenses. The bill also removes the provisions related to the automatic sealing of underage possession of alcohol offenses and instead provides for petition-based sealing of such offenses.

The bill creates an electronic, name-based criminal history record search to be used when an expungement or sealing petition is filed and requires the court to maintain a copy of a sealing order and send an electronic notification, rather than an order as current law requires, to the



Department of State Police after an offense is sealed. The bill also allows courts and attorneys for the Commonwealth to access sealed records in instances where the court or parties failed to strictly comply with sealing procedures or an order for sealing was entered contrary to law and clarifies that a petition for sealing can only include offenses that arose out of the same transaction or occurrence. The bill makes additional changes to the processes for expungement and sealing, including updates to the process of forwarding a petitioner's criminal history record to the court and maintaining expungement pleadings under seal. The bill provides a petition process by which the person who was charged with an offense that was ordered to be expunged may request access to such expunged court or police record.

The repeal of the statute related to the limitation on the dissemination of criminal history record information related to the possession of marijuana and various other provisions of the bill have a delayed effective date of the earlier of (i) the date on which the processes to seal criminal history record information and court records pursuant to Chapters 524 and 542 of the Acts of Assembly of 2021, Special Session I, become effective or (ii) July 1, 2025. As introduced, this bill was a recommendation of the Virginia State Crime Commission.

Effective July 1, 2023

[Chapter 557 / Chapter 558](#) Use of handheld personal communication devices in certain motor vehicles.

Clarifies the penalty structure for a first offense and a second or subsequent offense of using a handheld personal communication device in certain motor vehicles, as well as the mandatory fine for a violation within a highway work zone, to accommodate the Supreme Court's case management system. The bill contains technical amendments.

Effective July 1, 2023

[Chapter 564](#) Compensating victims of crime; awards from Criminal Injuries Compensation Fund.

Provides an exception to the general rule that a victim must fully cooperate with all law-enforcement agencies in order to receive an award from the Criminal Injuries Compensation Fund in those instances where 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.

Effective July 1, 2023



[Chapter 568](#) Child abuse or neglect; definition; independent activities.

Clarifies that no child whose parent or other person responsible for his care allows the child to engage in independent activities without adult supervision shall for that reason alone be considered to be an abused or neglected child, provided that (i) such independent activities are appropriate based on the child's age, maturity, and physical and mental abilities and (ii) such lack of supervision does not constitute conduct that is so grossly negligent as to endanger the health or safety of the child. The bill provides that such independent activities include traveling to or from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home for a reasonable period of time.

Effective July 1, 2023

[Chapter 600](#) Towing and recovery operators; vehicle storage.

Prohibits towing and recovery operators from refusing to allow, consistent with current law, the owner of a towed vehicle, upon presenting proof of ownership, to access and recover any personal items without retrieving the vehicle and without paying any fee.

Effective July 1, 2023

[Chapter 604](#) Trespass; other person lawfully in charge of the property; locality.

Provides that the maintenance code official of a locality is considered a person lawfully in charge of real property that has been declared a derelict building, unless the owner of such property objects, for the purpose of posting a sign or signs to prohibit any person to go upon the premises of such property without the authority of law.

Effective July 1, 2023

[Chapter 607](#) / [Chapter 608](#) Racketeering offenses; penalty.

Adds petit larceny to the list of offenses included in the definition of "racketeering activity." The bill prohibits any person who is directed by an organizer, supervisor, or manager of an enterprise from (i) receiving or distributing any proceeds or anything of value known to have been derived directly from racketeering activity and (ii) using or investing an aggregate of \$10,000 or more of such proceeds or such things of value in the acquisition of any title to, or any right, interest, or equity in, real property, or in the establishment or operation of any enterprise. A first offense is punishable by between five and 40 years' imprisonment and a fine of not more than \$1 million, and a second or subsequent offense is punishable as a Class 2 felony and a fine of not more than \$2 million.

Current law criminalizes an enterprise or any person who occupies a position of organizer, supervisor, or manager of an enterprise for (a) receiving proceeds from racketeering and (b)



using or investing \$10,000 or more of such proceeds in the acquisition of any title to, or any right, interest, or equity in, real property, or in the establishment or operation of any enterprise.

Effective July 1, 2023

[Chapter 611](#) Carrying concealed weapons; exceptions; penalty.

Removes switchblade knives from and adds stiletto knives to the list of concealed weapons the carrying of which is prohibited in public.

Effective July 1, 2023

[Chapter 612](#) Sexual extortion; penalties.

Creates a Class 5 felony for any person who maliciously threatens in writing, including an electronically transmitted communication producing a visual or electronic message, (i) to disseminate, sell, or publish a videographic or still image, created by any means whatsoever, or (ii) to not delete, remove, or take back a previously disseminated, sold, or published videographic or still image, created by any means whatsoever, that depicts the complaining witness or such complaining witness's family or household member as totally nude or in a state of undress so as to expose the genitals, pubic area, buttocks, or female breast 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 such acts. The bill also creates an unclassified felony punishable by not less than one nor more than 20 years and a fine of not more than \$100,000 for any adult who violates the provisions of the bill with a person under the age of 18.

Effective July 1, 2023

[Chapter 616](#) / [Chapter 617](#) Yielding or reducing speed for stationary vehicles; vehicles displaying hazard lights, caution signs, or road flares.

Requires drivers to make a lane change or reduce speed when passing stationary vehicles that have activated the vehicular hazard warning signal flashers, displayed caution signs, or been marked with properly lit flares or torches on certain highways when safe and reasonable to do so and makes a violation of this requirement a traffic infraction.

Effective July 1, 2023

[Chapter 620](#) / [Chapter 621](#) Protective orders; extensions and continuances; penalty.

Provides that if a petitioner files a written motion requesting a hearing to extend a permanent protective order, the court may issue an ex parte protective order until the extension hearing, which shall be held within 15 days of the issuance of such ex parte protective order and may be held after the expiration of the permanent protective order. If the respondent fails to appear at



the extension hearing because the respondent was not personally served with such motion, a new date for the extension hearing shall be given and the judge may extend the ex parte preliminary protective order until the new date. The bill also provides that if the respondent was personally served, where the petitioner shows by clear and convincing evidence that a continuance is necessary to meet the ends of justice or the respondent shows good cause, the court may continue the extension hearing and such ex parte preliminary protective order shall remain in effect until the extension hearing.

Effective July 1, 2023

[Chapter 631](#) Opioid impact reduction.

Allows any person to possess and administer naloxone or other opioid antagonist used for overdose reversal other than naloxone in an injectable formulation with a hypodermic needle or syringe in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, provided that certain other conditions enumerated in current law are met. The bill removes training requirements related to the possession and administration of naloxone. The bill directs the Department of Health, the Department of Behavioral Health and Developmental Services, and the Department of Corrections to collaborate to develop a statewide comprehensive plan for the distribution of naloxone throughout the Commonwealth and allows such agencies to begin implementation of the plan to the extent the agencies are able to do so with existing resources. The bill requires the Department of Health to provide a report on the development of the comprehensive statewide naloxone plan, including the resources needed to fully implement the plan, to the Chairs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by September 1, 2023. The bill directs the Department of Health to begin the development of a Commonwealth opioid impact reduction registry consisting of nonprofit organizations that work to reduce the impact of opioids in the Commonwealth and directs the Department of Corrections to amend its regulations to require that training in the administration of naloxone be provided to every inmate prior to release.

Effective July 1, 2023

[Chapter 636](#) Duration of involuntary temporary detention.

Includes the termination of a period of involuntary temporary detention, if the minor or individual has been admitted to a facility of temporary detention, on any day or part of a day on which the clerk's office is lawfully closed as a reason to extend the duration of the period of involuntary temporary detention for adults and juveniles.

Current law allows the period to extend past 72 hours for an adult only if the detention would terminate on a Saturday, Sunday, legal holiday, or day on which the court is closed and allows the period to extend past 96 hours for a juvenile only if the detention terminates on a Saturday, Sunday, or legal holiday.



Effective July 1, 2023

[Chapter 649](#) / [Chapter 650](#) Virginia Opioid Use Reduction and Jail-Based Substance Use Disorder Treatment and Transition Fund; established.

Establishes the Virginia Opioid Use Reduction and Jail-Based Substance Use Disorder Treatment and Transition Fund to be administered by the Department of Criminal Justice Services for the purpose of funding and supporting the planning and implementation of locally administered jail-based addiction recovery and substance use disorder treatment and transition programs in local and regional jails. The bill has a delayed effective date of July 1, 2024.

Effective July 1, 2023

[Chapter 672](#) Definition of law-enforcement officer; fire marshal with police powers; report.

Provides that fire marshals who have been appointed with police powers are included in the definition of law-enforcement officer that applies in numerous applications in the Code. The bill contains a reenactment clause that applies to these amendments to the Code and directs the Department of Criminal Justice Services to convene a work group composed of various stakeholders to examine and make recommendations on the inclusion of fire marshals with police powers in such definition of law-enforcement officer. The bill provides that the work group shall complete its work and submit its findings and recommendations to the General Assembly no later than November 1, 2023.

[Chapter 677](#) Notifications in juvenile cases; exception to confidentiality.

Provides that whenever an intake officer proceeds informally against a juvenile, the Department of Juvenile Justice or a local court service unit may disclose only such information as necessary to enforce any provision of the diversion program to any law-enforcement officer, school principal where such juvenile attends school, or known victim. The bill also provides that a local court service unit may provide information regarding the availability and ordering of a protective order and restitution and dispositional information to the victim in the case.

Effective July 1, 2023

[Chapter 680](#) / [Chapter 681](#) Testing persons charged with certain crimes for sexually transmitted infections.

Provides that as soon as practicable following arrest, or following indictment, arrest by warrant, or service of a petition in the case of a juvenile, the attorney for the Commonwealth may request after consultation with any complaining witness, or shall request upon the request of the complaining witness, that any person charged with certain specified crimes be requested to submit to testing for sexually transmitted infections, as that term is defined in the bill. The bill



provides that if the person charged refuses to submit to testing or the competency of the person to submit to testing is at issue, a court finding probable cause that the complaining witness was exposed to body fluids of the person charged in a manner that may transmit a sexually transmitted infection shall order such testing. The bill also provides that the results of such tests shall not be admissible as evidence in any criminal proceeding.

Effective July 1, 2023

[Chapter 689](#) [Headlights; aftermarket modifications; blue lights.](#)

Prohibits the use of headlights on motor vehicles, motorcycles, autocycles, bicycles, electric personal assistive mobility devices, personal delivery devices, electric power-assisted bicycles, mopeds, and motorized skateboards or scooters with aftermarket modifications that make such headlights appear as a blue light.

Effective July 1, 2023

[Chapter 692](#) [Virginia Retirement System; return to work.](#)

Reduces from 12 to six the number of months for the required break in service for a teacher, bus driver, school administrator, or school security officer to return to work full time and continue to receive his pension under the Virginia Retirement System (VRS). The bill adds specialized student support positions to the list of employees that may return to work, with a six-month break in service. The employer of such individuals shall include such employees' compensation in membership payroll for purposes of the employer contribution to VRS. The bill has a delayed effective date of January 1, 2024. The bill has an expiration date of July 1, 2028, for the reduction of the required break in service for all classes of employees.

[Chapter 709](#) / [Chapter 710](#) [Strangulation by blocking or obstructing the airway of another; penalty.](#)

Provides that any person who, without consent, impedes the blood circulation or respiration of another person by knowingly, intentionally, and unlawfully blocking or obstructing the airway of such person resulting in the wounding or bodily injury of such person is guilty of suffocation, a Class 6 felony.

Effective July 1, 2023

[Chapter 711](#) / [Chapter 712](#) [Marijuana; advertising restrictions; penalties.](#)

Makes it a Class 1 misdemeanor to advertise in or send any advertising matter into the Commonwealth regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol other than those that may be legally sold in the Commonwealth. The bill provides that for violations of certain distance and zoning restrictions on outdoor advertising, as set forth in the bill, the Board of



Directors of the Virginia Cannabis Control Authority must give the advertiser written notice to take corrective action and that, if such corrective action is not taken within 30 days, the advertiser is guilty of a Class 4 misdemeanor. The bill establishes numerous restrictions on marijuana advertisements, including provisions that prohibit advertisements from (i) targeting minors; (ii) being placed near schools, playgrounds, and certain other places; (iii) being displayed at a sporting event or on a billboard; (iv) being misleading, deceptive, or false; (v) referencing the intoxicating effects of marijuana; or (vi) promoting overconsumption or consumption by minors.

Effective July 1, 2023

[Chapter 744](#) Tetrahydrocannabinol; hemp products; packaging, labeling, and testing; penalties.

Limits the amount of tetrahydrocannabinol (THC) that can be included in a hemp product or industrial hemp extract to 0.3 percent and two milligrams per package. The bill limits the application of such THC limits to retail sales and allows a hemp product or industrial hemp extract to contain more than two milligrams of THC if the product or extract contains an amount of cannabidiol (CBD) that is at least 25 times greater than the amount of THC; however, the bill prohibits hemp processors from selling industrial hemp or a substance containing an industrial hemp extract to a person if the processor knows or has reason to know that such person will use the industrial hemp or substance in a substance that violates the aforementioned THC limits.

The bill creates a regulated hemp product retail facility registration, which carries an annual fee of \$1,000, and requires persons to obtain such registration from the Commissioner (the Commissioner) of the Department of Agriculture and Consumer Services (the Department) prior to offering for sale or selling regulated hemp products, as defined in the bill, or any substance intended for consumption that is advertised or labeled as containing an industrial hemp-derived cannabinoid. The bill creates certain packaging, labeling, and testing requirements for regulated hemp products and requires that topical hemp products bear a label stating that the product is not intended for human consumption. The bill provides the Commissioner with the authority to access registered regulated hemp product retail facilities and any business that offers for sale or sells at retail a substance intended for human consumption that is advertised or labeled as containing a cannabinoid for the purpose of inspections and securing samples. The bill also imposes a civil penalty of up to \$10,000 per day for the following violations: (i) offering for sale or selling at retail without a regulated hemp product retail facility registration a regulated hemp product or a substance intended for human consumption, orally or by inhalation, that is advertised or labeled as containing an industrial hemp-derived cannabinoid, (ii) continuing to offer for sale or selling at retail a regulated hemp product after revocation or suspension of such registration, (iii) offering for sale or selling at retail a substance intended for human consumption, orally or by inhalation, that contains THC in excess of the applicable limits, or (iv) offering for sale or selling at retail a regulated hemp product that does not meet the applicable packaging, labeling, and testing requirements. The bill (i) clarifies that persons who manufacture, store, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract are subject to the existing food and drink permit requirement and (ii)



requires such persons to indicate their intent to manufacture, store, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract on such permit application. The bill also creates labeling, packaging, and testing requirements for industrial hemp extracts and foods containing an industrial hemp extract.

The bill creates a civil penalty of \$10,000 for the following: (a) manufacturing, selling, or offering for sale an industrial hemp extract or food containing an industrial hemp extract without a permit; (b) continuing to manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract after revocation or suspension of such permit; (c) failing to disclose on a form prescribed by the Commissioner of the Virginia Department of Agriculture and Consumer Services that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains an industrial hemp-derived cannabinoid; (d) manufacturing, selling, or offering for sale a food that contains more than 0.3 percent of THC or more than two milligrams of THC per package; (e) manufacturing, offering for sale, or selling in violation of food and drink laws or regulations a substance intended to be consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid; or (f) otherwise violating any provision of the Commonwealth's food and drink laws or regulations. The bill also makes it a Class 1 misdemeanor to engage in such actions, except for those set forth in clause (d). The bill makes it unlawful under the Consumer Protection Act to (1) sell or offer for sale any substance intended for human consumption that contains a synthetic derivative of THC or (2) sell or offer for sale a topical hemp product that does not include a label stating that the product is not intended for human consumption. The bill also increases existing civil penalties for certain hemp-related violations.

The bill provides that certain regulated hemp product provisions related to retail facility registrations, packaging, labeling, and testing and associated civil penalty provisions shall become effective when the Commissioner provides notice to the Virginia Code Commission that the Department has established the registration process. The bill removes tetrahydrocannabinol from the list of Schedule I controlled substances and contains other technical amendments.

(See also Chapter 794).

[Chapter 746 / Chapter 784](#) Crime victim rights; notification from the attorney for the Commonwealth.

Requires an attorney for the Commonwealth to consult with a crime victim in a felony case to (i) inform the victim of the contents of a proposed plea agreement and (ii) obtain the victim's views about the disposition of the case. The bill provides that the victim shall be notified of any proceeding in which the plea agreement will be tendered to the court. Under current law, such consultation and notification is required only upon the victim's request.

Effective July 1, 2023



[Chapter 780](#) / [Chapter 760](#) Medical marijuana program; product, registration, dispensing, and recordkeeping requirements; advertising.

Amends and adds numerous provisions regarding the Commonwealth's medical marijuana program, including provisions related to recordkeeping, product registration, allowable deviations, dispensing, packaging, labeling, and advertising. The bill requires pharmaceutical processors and cannabis dispensing facilities to collect and provide to the Board of Pharmacy by July 1, 2024, data regarding implementation of the bill. The bill also requires the Board of Pharmacy to make certain amendments to its regulations.

Effective July 1, 2023

[Chapter 773](#) / [Chapter 778](#) Medical cannabis program; transition from Board of Pharmacy to Virginia Cannabis Control Authority.

Transfers oversight and administration of the Commonwealth's medical cannabis program from the Board of Pharmacy to the Virginia Cannabis Control Authority. The bill has a delayed effective date of January 1, 2024.

[Chapter 794](#) Tetrahydrocannabinol; hemp products; packaging, labeling, and testing; penalties.

Limits the amount of tetrahydrocannabinol (THC) that can be included in a hemp product or industrial hemp extract to 0.3 percent and two milligrams per package. The bill limits the application of such THC limits to retail sales and allows a hemp product or industrial hemp extract to contain more than two milligrams of THC if the product or extract contains an amount of cannabidiol (CBD) that is at least 25 times greater than the amount of THC; however, the bill prohibits hemp processors from selling industrial hemp or a substance containing an industrial hemp extract to a person if the processor knows or has reason to know that such person will use the industrial hemp or substance in a substance that violates the aforementioned THC limits.

The bill creates a regulated hemp product retail facility registration, which carries an annual fee of \$1,000, and requires persons to obtain such registration from the Commissioner (the Commissioner) of the Department of Agriculture and Consumer Services (the Department) prior to offering for sale or selling regulated hemp products, as defined in the bill, or any substance intended for consumption that is advertised or labeled as containing an industrial hemp-derived cannabinoid. The bill creates certain packaging, labeling, and testing requirements for regulated hemp products and requires that topical hemp products bear a label stating that the product is not intended for human consumption. The bill provides the Commissioner with the authority to access registered regulated hemp product retail facilities and any business that offers for sale or sells at retail a substance intended for human consumption that is advertised or labeled as containing a cannabinoid for the purpose of inspections and securing samples. The bill also imposes a civil penalty of up to \$10,000 per day for the following violations: (i) offering for sale or selling at retail without a regulated hemp product retail facility registration a regulated hemp product or a substance intended for human consumption, orally or by inhalation, that is



advertised or labeled as containing an industrial hemp-derived cannabinoid, (ii) continuing to offer for sale or selling at retail a regulated hemp product after revocation or suspension of such registration, (iii) offering for sale or selling at retail a substance intended for human consumption, orally or by inhalation, that contains THC in excess of the applicable limits, or (iv) offering for sale or selling at retail a regulated hemp product that does not meet the applicable packaging, labeling, and testing requirements. The bill (i) clarifies that persons who manufacture, store, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract are subject to the existing food and drink permit requirement and (ii) requires such persons to indicate their intent to manufacture, store, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract on such permit application. The bill also creates labeling, packaging, and testing requirements for industrial hemp extracts and foods containing an industrial hemp extract.

The bill creates a civil penalty of \$10,000 for the following: (a) manufacturing, selling, or offering for sale an industrial hemp extract or food containing an industrial hemp extract without a permit; (b) continuing to manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract after revocation or suspension of such permit; (c) failing to disclose on a form prescribed by the Commissioner of the Virginia Department of Agriculture and Consumer Services that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains an industrial hemp-derived cannabinoid; (d) manufacturing, selling, or offering for sale a food that contains more than 0.3 percent of THC or more than two milligrams of THC per package; (e) manufacturing, offering for sale, or selling in violation of food and drink laws or regulations a substance intended to be consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid; or (f) otherwise violating any provision of the Commonwealth's food and drink laws or regulations. The bill also makes it a Class 1 misdemeanor to engage in such actions, except for those set forth in clause (d). The bill makes it unlawful under the Consumer Protection Act to (1) sell or offer for sale any substance intended for human consumption that contains a synthetic derivative of THC or (2) sell or offer for sale a topical hemp product that does not include a label stating that the product is not intended for human consumption. The bill also increases existing civil penalties for certain hemp-related violations.

The bill provides that certain regulated hemp product provisions related to retail facility registrations, packaging, labeling, and testing and associated civil penalty provisions shall become effective when the Commissioner provides notice to the Virginia Code Commission that the Department has established the registration process. The bill removes tetrahydrocannabinol from the list of Schedule I controlled substances and contains other technical amendments.

(See also Chapter 744).

[Chapter 799 Medical marijuana program; product requirements; certifications; reporting.](#) Requires cannabis product and botanical cannabis labels to be complete, accurate, easily discernable, and uniform among different products and brands and that each label, which shall be included on the product and on the pharmaceutical processor's website, (i) include (a) the product name, (b) all active and inactive ingredients, (c) the total percentage and milligrams of



tetrahydrocannabinol and cannabidiol included in the product and the number of milligrams of tetrahydrocannabinol and cannabidiol in each serving, (d) the amount of product that constitutes a single serving and the amount recommended for use by the practitioner or dispensing pharmacist, (e) information regarding the product's purpose and detailed usage directions, and (f) child and safety warnings in a conspicuous font and (ii) comply with any requirements imposed by the Board of Pharmacy. The bill also requires that a pharmaceutical processor or cannabis dispensing facility shall maintain an adequate supply of cannabis products that (1) contain cannabidiol as their primary cannabinoid and (2) have low levels of or no tetrahydrocannabinol. The bill provides that a patient's registered agent is not required to register with the Board of Pharmacy when such registered agent is listed on the patient's written certification pursuant to the patient's request and in the discretion of the practitioner based on medical need. The bill also modifies the information that must be included in the Prescription Monitoring Program for cannabis products.

Effective July 1, 2023