

CASC 2025 LEGISLATIVE UPDATE FOR VIRGINIA LAW ENFORCEMENT



COMMONWEALTH'S ATTORNEYS' SERVICES COUNCIL
Training Virginia's Prosecutors for the 21st Century

This document is provided for Law Enforcement by the Virginia Commonwealth's Attorneys' Services Council pursuant to Va. Code § 2.2-3705.7(29) for the training of state prosecutors and law-enforcement personnel.

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Materials

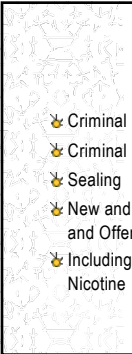
- ✦ This PowerPoint attempts to identify the legislation from the 2025 General Assembly Regular Session that has the greatest impact on law enforcement and public safety.
- ✦ Consult the *2025 Legislative Update Master List* outline for full listing of bills of interest.
 - This presentation will NOT cover every bill.

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Materials

- ✦ You must rely *only* upon the final language of the bill after passage.
- ✦ Slides summarize each bill, but you should read the actual law before acting.
- ✦ You can find the bill on the LIS website at: <http://lis.virginia.gov/lis.htm>.


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Topics for this Presentation

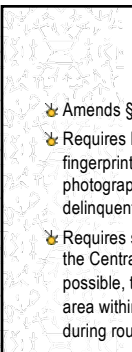
- ✦ Criminal Investigations
- ✦ Criminal Procedure
- ✦ Sealing
- ✦ New and Amended Crimes and Offenses
- ✦ Including Tobacco and Liquid Nicotine
- ✦ Traffic Offenses
- ✦ Law Enforcement Regulatory & Reporting Requirements
- ✦ ALPRs
- ✦ Law Enforcement Procedural Guarantees and Requirements

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Criminal Investigations

5



Ch. 175: Juvenile Fingerprints

- ✦ Amends §16.1-299
- ✦ Requires law-enforcement officers to obtain, electronically when possible, fingerprints, palm prints with accompanying distal prints, if available, and photographs of any juvenile taken into custody and charged with a delinquent act.
- ✦ Requires such fingerprints, palm prints, or photographs to be both filed with the Central Criminal Records Exchange and submitted electronically, when possible, to the State Police to be maintained in a confidential and secure area within the system in which the record is maintained that is inaccessible during routine use of such system.

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Ch. 175: Juvenile Fingerprints (con'd)

- ✦ The bill further requires any electronic record of such fingerprints, palm prints, or photographs to be destroyed as soon as possible after the State Police have been notified that a petition or warrant has not been filed against the juvenile.
- ✦ The bill has a delayed effective date of July 1, 2026.

7

Ch. 286: Electronic communication service or remote computing service; obtaining records without a warrant.

- ✦ Amends §19.2-70.3(E), which governs when an investigative or law-enforcement officer may obtain real-time location data or subscriber data without a warrant.
- ✦ Adds a new exception for threats against a school, subsection (6).
- ✦ Adds new procedural restrictions that may make all six exceptions more difficult to use, or potentially impossible to use.
- ✦ Creates new subcategory of data, "subscriber data."

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New Subcategory of Subscriber Information

- ✦ "Subscriber data" means the name, address, telephone number, and any other information identifying a subscriber of a communications services provider.
- ✦ "Subscriber data" does not include data or personally identifiable information protected by federal or state law, including viewing history, billing details, Internet usage patterns or data, and any other data protected by federal or state law.

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Previous Exceptions

1. User's 911 / EMS call.
2. Consent of the owner or user.
3. Consent of the legal guardian or next of kin of the owner or user, if the owner or user is reasonably believed to be deceased, is reported missing, or is unable to be contacted;
4. To locate a missing/abducted/endangered child;
5. Emergency involving the immediate danger to a person that requires the disclosure, without delay, of real-time location data concerning a specific person and that a warrant cannot be obtained in time to prevent the identified danger

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NEW: "If the investigative or law-enforcement officer reasonably believes that

- ☛ (i) an individual or group of individuals has made a credible threat via electronic communication to commit an act of violence upon the property, including the buildings and grounds thereof, of any
 - (a) child day center, as defined in § 22.1-289.02, including any preschool program offered by a publicly funded provider;
 - (b) any preschool or nursery school program certified by the Board of Education pursuant to § 22.1-289.032; or
 - (c) public, private, or religious elementary or secondary school, as defined in § 22.1-1, and
- ☛ (ii) a warrant cannot be obtained in time to prevent the identified danger or identify the source of the threat.

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Reporting Requirement

- ☛ "No later than three business days after seeking disclosure of real-time location data or subscriber data pursuant to this subsection, the investigative or law-enforcement officer seeking the information shall file with the appropriate court a written statement setting forth the facts giving rise to the emergency and the facts as to why the person whose real-time location data or subscriber data was sought is believed to be important in addressing the emergency."
- ☛ Previously this applied only to exception #5.
- ☛ To which one of the 6 exceptions does this reporting rule apply now?
Not clear.

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New Statutory Exclusionary Rule

- ✦ "No real-time location data or subscriber data obtained pursuant to this subsection shall be admissible in a criminal proceeding unless a judge finds that probable cause for the issuance of a search warrant existed at the time of the search and such data is otherwise admissible, provided that no such data obtained is presented to establish the necessary probable cause."
- ✦ To which one of the 6 exceptions does this exclusionary rule apply?
Not clear.

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Ch. 214: Money Transmitters; Deregulation of Cryptocurrency Transmission

- ✦ Replaces existing state law regulating money transmitters with comprehensive provisions aimed at standardizing the regulation of money transmitters across the 50 states.
- ✦ The bill includes provisions for the licensure of money transmitters, supervision and implementation by the State Corporation Commission, acquisition of control of a licensee, mandatory disclosures, reporting and records requirements, authorized delegates, mandatory disclosures, prudential standards, and enforcement.
- ✦ The bill has a delayed effective date of July 1, 2026.

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Ch. 345: Search Warrants for Out-of-State Data

- ✦ Amends §8.01-301, §19.2-53, and §19.2-56.
- ✦ As of July 1, §19.2-53 will provide clear authority for magistrates and judges to issue a search warrant for electronic records to an out-of-state company.
- ✦ As of July 1, §19.2-56 will have a clear process for obtaining, executing, serving, and returning a search warrant for electronic records to an out-of-state company.
- ✦ Law Enforcement will STILL need to follow existing law (§19.2-70.3, etc.) when obtaining search warrants for Electronic Communications Services (phones, Internet, app providers, social media, etc.)

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Ch. 345: Changes to §19.2-53.

- ✧ 4. Any object, thing, or person, including ~~without limitation~~,
 - (i) documents, (ii) books, (iii) papers, (iv) records, or (v) body fluids, or
 - NEW: (vi) electronic records stored within or outside the Commonwealth of a commercial enterprise, whether a domestic corporation or a foreign corporation, that is transacting or has transacted any business in the Commonwealth, constituting evidence of the commission of crime;

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Ch. 345: Changes to §19.2-56(A): #1

- ✧ "If a search warrant is issued for electronic records of a foreign corporation, as described in §19.2-53, such affidavit shall state that the complainant believes such records are actually or constructively possessed by such foreign corporation.
- ✧ "In order to comply with the requirements of §19.2-54, any search of the records of a foreign corporation, as described in §19.2-53, shall be deemed to have been made in the same place where the search warrant was issued."

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Ch. 345: Changes to §19.2-56(A): #2

- ✧ "Any search warrant for electronic records or other information stored outside of the Commonwealth by a commercial enterprise, whether a domestic corporation or a foreign corporation, that is transacting or has transacted any business in the Commonwealth, to be executed upon such commercial enterprise may be executed within or outside the Commonwealth by hand, United States mail, commercial delivery service, facsimile, or other electronic means upon the commercial enterprise."

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Ch. 345: Changes to §19.2-56(A): #3

✧ "Notwithstanding the provisions of § 19.2-57, the officer executing a warrant pursuant to this paragraph shall endorse the date of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording, within three days after the materials ordered to be produced are received by the officer from the commercial enterprise."

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Ch. 345: Changes to §19.2-56(A): #4

✧ "The return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was (I) executed, if executed within the Commonwealth, and a copy of the return shall also be delivered to the clerk of the circuit court of the county or city where the warrant was issued or (II) issued, if executed outside the Commonwealth. Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day filing period."

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Ch. 400: Law Enforcement Drones

- ✧ Amends § 19.2-60.1 to allow a law-enforcement officer "or an employee of a law-enforcement agency" to deploy an unmanned aircraft system without a warrant :
- i. following an accident where a report is required pursuant to relevant law to survey the scene of such accident for the purpose of crash reconstruction and record the scene by photographic or video images or
 - ii. to
 - a) aerially survey a primary residence of the subject of the arrest warrant to formulate a plan to execute an existing arrest warrant or *capias* for a felony offense or
 - b) locate a person sought for arrest when such person has fled from a law-enforcement officer and a law-enforcement officer remains in hot pursuit of such person.

21

Ch. 400: Con'd

- ✧ Current law allows a law-enforcement officer to operate an unmanned aircraft system under such conditions, but not an employee.
- ✧ The bill also permits a law-enforcement officer to deploy an unmanned aircraft system without a warrant where such officer is investigating unmanned aircraft systems surrounding or over property of the federal or state government, public critical infrastructure, or nongovernment-operated prison or jail facilities.

22

Ch. 669: Juvenile Interrogations

- ✧ Amends § 16.1-247.1
- ✧ Prohibits law-enforcement officers from knowingly and intentionally making false statements about any material fact, including by use of inauthentic replica documents, prior to or during a custodial interrogation of a child to secure the cooperation, confession, or conviction of such child.

23

Ch. 669: Con'd

- ✧ The bill defines "inauthentic replica documents" as any documents, including computer-generated documents, created by any means, including artificial intelligence, by a law-enforcement officer or his agent that
 - i. contain a false statement, signature, seal, letterhead, or contact information or
 - ii. materially misrepresent any fact.
- ✧ The bill provides that if a law-enforcement officer knowingly violates such prohibition, any statements made by such child shall be inadmissible in any delinquency proceeding or criminal proceeding against such child.

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Parental Notification: Virginia Code § 16.1-247.1

- ✦ Existing law prior to 2025 already provides that:
- ✦ Prior to any custodial interrogation of a child by a law-enforcement officer who has **arrested** a child, the child's parent, guardian, or legal custodian *shall be notified* of his arrest and the child shall have contact with his parent, guardian, or legal custodian.
- ✦ The notification and contact required by this subsection may be in person, electronically, by telephone, or by video conference.

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Exceptions Under Existing Law

1. Child's parent, guardian, or legal custodian is a codefendant in the alleged offense;
2. Child's parent, guardian, or legal custodian has been arrested for, has been charged with, or is being investigated for a crime against the child;
3. If, after every reasonable effort has been made to comply with subsection A, the child's parent, guardian, or legal custodian cannot be located or refuses contact with the child; or
4. If the law-enforcement officer conducting the custodial interrogation reasonably believes the information sought is necessary to protect life, limb, or property from an imminent danger and the law-enforcement officer's questions are limited to those that are reasonably necessary to obtain such information.

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§ 16.1-247.1 New Language from 2024

- ✦ C. Except as provided in subsection B, if a law-enforcement officer knowingly violates the provisions of subsection A, any statements made by such child *shall be inadmissible* in any delinquency proceeding or criminal proceeding against such child,
 - unless the attorney for the Commonwealth proves by a preponderance of the evidence that the statement was made knowingly, intelligently, and voluntarily.
- ✦ This process now applies to the false statements/false documents rule that has become law in 2025.

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CRIMINAL PROCEDURE

28

Ch. 160: Seizure of Property

- ✧ Amends § 19.2-386.5 and adds § 19.2-386.36
- ✧ Bill permits the seizure of property used in connection with or derived from financial exploitation of vulnerable adults.
- ✧ Establishes a procedure for seizure of property used in connection with or derived from financial exploitation of vulnerable adults.
- ✧ The bill permits a guardian, adult proactive agent, or representative of the vulnerable adult to enforce such an action for good cause shown.

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Ch. 160: Procedure

- ✧ "At any time after the filing of an answer or upon default, on motion of the attorney for the Commonwealth or a vulnerable adult, the court may order the return of property to the vulnerable adult upon a showing that the property is the subject of a violation of § 18.2-178.1 or traceable to such a violation and is properly exempt from forfeiture pursuant to § 19.2-386.8."

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Ch. 160: Seizure Procedure

- ✧ "an action against any property subject to seizure under the provisions of this section may be commenced by the filing of an information in the clerk's office of the circuit court by the guardian, adult protective agent, or representative of the vulnerable adult, who may for good cause shown, upon motion to the court in which the information is filed, act and stand in the place of the attorney for the Commonwealth for the enforcement of such action."
- ✧ "A hearing on a motion by a vulnerable adult pursuant to this section shall be scheduled on an expedited basis and given priority over other civil matters before the court."
- ✧ "In addition to existing procedures for service of process, such service may be satisfied by certified mail, return receipt requested."

31

Ch. 161: Permanent Protective Orders

- ✧ Amends § 16.1-279.1
- ✧ Provides that if the court finds, based upon evidence presented, that the respondent has been subject to a previous permanent protective order or a permanent protective order in cases of family abuse issued within 10 years, the court may issue a permanent protective order in a case of family abuse for a specified period of time up to a maximum of four years.

32

Ch. 161: Con'd

- ✧ The bill further provides that such protective order may be extended for a period of not longer than two years, regardless of whether such order was initially issued for a period of time up to a maximum of two years or four years.
- ✧ Current law allows such protective orders to be issued for a specified period of time up to a maximum of two years and extended for a period of time not longer than two years.

33

Ch. 208 / 217: Military Protective Orders

- ✦ Amends §§ 16.1-253.1, 16.1-253.2, 18.2-60.4, and 19.2-152.9
- ✦ Permits a court to issue a preliminary protective order upon evidence of a Military Protective Order issued by a commanding officer in the Armed Forces of the United States, the Virginia National Guard, or the National Guard of any other state in favor of the petitioner or the petitioner's family or household members.

34

Ch. 208 / 217: Con'd

- ✦ The bill provides that a Military Protective Order issued between the parties shall only be admissible or considered as evidence in accordance with the Code of Virginia, the Rules of Evidence of the Supreme Court of Virginia, or other relevant Virginia case law.
- ✦ The bill requires a law-enforcement agency, upon a defendant's violation of a protective order, if such Military Protective Order was issued against the same defendant as a protective order in a Virginia court and registered with the National Crime Information Center (NCIC), to inform the military law-enforcement officer or agency that issued and entered the Military Protective Order into NCIC of such violation.

35

Ch. 550/560: Foreign Protective Orders

- ✦ Amends § 16.1-253.2.
- ✦ Clarifies that the same criminal penalty applies for any person who violates the provisions of a foreign protective order in a case of family abuse that is accorded full faith and credit and is enforceable in the Commonwealth as if it were an order of the Commonwealth.
- ✦ This bill is a recommendation of the Judicial Council of Virginia.

36

Ch. 213: Compensation for Wrongful Incarceration

- ✧ Amends §§ 8.01-195.11 and 8.01-195.13.
- ✧ Provides that the instrumentality, political subdivision, or employee responsible for employing the individual who committed an intentional act shall compensate the wrongfully incarcerated individual.
- ✧ Under current law, additional compensation for intentional acts shall not become effective unless and until the wrongfully incarcerated person enters into an agreement with the instrumentality or political subdivision that committed or employed the individual committing the intentional acts to provide such compensation.

37

Ch. 213: Con'd

- ✧ In the event that the instrumentality or subdivision fails to compensate the individual, the bill authorizes the Governor to issue an order to the Comptroller to withhold all payments of appropriated funds to the instrumentality or political subdivision until such compensation has been paid.
- ✧ The bill also provides that any compensation an individual receives for wrongful registration with the Sex Offender and Crimes Against Minors Registry only applies to the years that the individual was registered after release from incarceration.

38

Ch. 225: Crime Victims Compensation

- ✧ Amends §§ 19.2-368.5, 19.2-368.10, 19.2-368.11:1, and 19.2-368.17.
- ✧ Extends, for the purpose of compensating victims of crime, the time for filing a claim by the claimant to not later than three years after the occurrence of the crime upon which such claim is based, or not later than three years after the death of the victim.
- ✧ Under current law, such time frame is not later than one year after either instance.
- ✧ The bill removes the prohibition on the Virginia Workers' Compensation Commission (the Commission) making an award where the police records show that a crime was reported more than 120 hours after the occurrence of the crime.

39

Ch. 225: Con'd

- ✧ Also, the bill requires the Commission, in determining if a report was "promptly reported" to the proper authorities, to consider
 - i. any police records;
 - ii. the victim's physical, emotional, mental, and family situation; and
 - iii. the existence of a permanent protective order, issued pursuant to relevant law, for the victim or other persons eligible for awards from the person responsible for the qualifying crime.
- ✧ Note that the "prompt reporting" requirement does not apply to sexual abuse.

40

Ch. 225: Crime Victims Compensation

- ✧ The bill also removes the ability of the Commission to deny, reduce, or withdraw any award upon finding that any claimant or award recipient has not fully cooperated with all law-enforcement agencies, unless 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.

41

Ch. 320: Ignition Interlock

- ✧ Amends § 18.2-271.1.
- ✧ Permits a first-time or second-time offender charged with driving while intoxicated to obtain an ignition interlock pre-conviction. The bill allows the installation period of time accrued by such offender prior to trial for the pending charge to count toward any
 - i. ignition interlock or restricted license period of time ordered by the court or
 - ii. restricted license, suspension, or revocation issued by the Department of Motor Vehicles pursuant to relevant law.
- ✧ Current law prohibits the installation of an ignition interlock system until a court issues a restricted license.

42

Ch. 433: Sex Offender Registration

- ✧ Amends § 9.1-904.
- ✧ Requires any person who is required to register with the Sex Offender and Crimes Against Minors Registry and who is convicted of a Tier I or Tier II offense to register yearly.
- ✧ The bill also requires any person convicted of providing false information or failing to provide registration information where such person was included on the Registry for a Tier I or Tier II offense to register twice a year.

43

Ch. 454: Restraints on Juveniles New Section § 16.1-276.4.

- ✧ Prohibits the use of instruments of restraint, as defined in the bill, on a juvenile appearing before the juvenile and domestic relations district court unless, upon motion of the attorney for the Commonwealth or on the court's own motion sua sponte, the court makes a finding that
 - i. (i) the use of such restraints is necessary
 - a. to prevent physical harm to such juvenile or another person,
 - b. because such juvenile has a history of disruptive courtroom behavior that has placed others in potentially harmful situations or presents a substantial threat of serious harm to himself or others as evidenced by recent behavior, or
 - c. because such juvenile presents a substantial risk of flight from the courtroom and
 - ii. (ii) there are no less restrictive alternatives to such restraints that will prevent flight of or harm to such juvenile or another person, including court personnel or law-enforcement officers.

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Ch. 454: Restraints on Juveniles

- ✧ As used in this section, "instruments of restraint" includes handcuffs, chains, irons, straightjackets, and electronic restraint devices.
- ✧ "Instruments of restraint" does not include an electronic device used for home electronic monitoring.

45

Ch. 454: Con'd

- ✧ The bill provides that the juvenile shall be entitled to an attorney prior to a hearing on the use of instruments of restraint.
- ✧ The bill also requires the court to provide the juvenile's attorney an opportunity to be heard before the court orders the use of instruments of restraint, and the juvenile's attorney may waive the juvenile's appearance at such hearing.
- ✧ Lastly, the bill requires the court, if such restraints are ordered, to communicate to the parties the basis of the decision either orally or in writing.

46

Ch. 543 / 556: Dissemination of Criminal Records

- ✧ Amends § 19.2-389. Requires an attorney for the Commonwealth to provide a physical or electronic copy of a person's criminal history record information, including criminal history record information maintained in the National Crime Information Center and the Interstate Identification Index System that is in his possession, pursuant to the rules of court for obtaining discovery or for review by the court.
- ✧ The bill also provides that no criminal history record information provided shall be disseminated further.
- ✧ Current law provides that nothing shall preclude the dissemination of a person's criminal history record information pursuant to such rules of court but does not require the attorney for the Commonwealth to provide the copy nor identify specific types of information.

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Chapter 717 – Bail and Pregnancy

- ✧ Adds to the list of items that must be considered in determining bail under § 19.2-120 the following:
 - ✧ "any evidence the person provided indicating that such person
 - a) is currently pregnant,
 - b) has recently given birth, or
 - c) is currently nursing a child."

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SEALING

49

Ch. 634 / 671: Sealing of Convictions

- ✦ Permits certain convictions to be "Sealed" beginning July 1, 2026
- ✦ "Sealing" prohibits public access to records relating to an arrest, charge, or conviction, including any ancillary matter ordered to be sealed.
- ✦ Allows petitions to seal convictions for:
 - i. Misdemeanor offenses
 - ii. Class 5 or 6 felonies, or
 - iii. Violations of § 18.2-95 or any other felony offense in which the defendant is deemed guilty of larceny and punished as provided in § 18.2-95,

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Effect of Sealing on Reporting

- ✦ Any law-enforcement agency shall reply to any inquiry that no record exists with respect to an arrest, charge, or conviction that has been sealed, unless such information is permitted to be disclosed pursuant to Code and regulations.
- ✦ A clerk of any court shall reply to any inquiry requesting access to a sealed court record that such court record has been sealed and can only be accessed pursuant to a court order.

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Effect of Sealing on Individual

- ✦ Upon entry of an order for sealing, the person who was arrested, charged, or convicted of the offense that was ordered to be sealed may deny or not disclose to any state or local government agency or to any private employer in the Commonwealth that such an arrest, charge, or conviction occurred.
- ✦ Except as otherwise provided, no person as to whom an order for sealing has been entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of that person's denial or failure to disclose any information concerning an arrest, charge, or conviction that has been sealed.

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Individual Still Must Admit Convictions

1. If the person is applying for full-time employment or part-time employment with, or to be a volunteer with, the State Police or a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof;
2. The Code requires the employer to make such an inquiry;
3. Federal law requires the employer to make such an inquiry;
4. The position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any contract with, or statute or regulation of, the United States or any Executive Order of the President; or
5. The rules and regulations allow the employer to access such sealed records.

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Sealed Records May Still Be Used For...

- ✦ Firearm background checks.
- ✦ Fingerprint and DNA comparisons.
- ✦ Employment with law enforcement, DFS, and certain other agencies.
- ✦ Employment when federal or state law requires a background check.
- ✦ Collection of restitution, costs, etc.
- ✦ Jury selection.
- ✦ Child care and custody hearings.
- ✦ "to any attorney for the Commonwealth and any person accused of a violation of law, or counsel for the accused, in order to comply with any constitutional and statutory duties to provide exculpatory, mitigating, and impeachment evidence to an accused"
- ✦ Many other exceptions in the Code.

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Sealing: Timing

- ✦ Effective July 1, 2026 (In general)
- ✦ Applies to convictions from January 1, 1986 (In general)
- ✦ Available after 7 years for any misdemeanor offense or 10 years for any felony offense.
 - Date is counted after the date of (i) dismissal of a deferred charge, (ii) conviction, or (iii) release from incarceration of on the charge or conviction set forth in the petition, (iv) a finding that the person was in violation of a suspended sentence, probation, or parole related to the charge or conviction set forth in the petition, or (v) release from incarceration following a finding that the person was in violation of a suspended sentence, probation, or parole related to the charge or conviction set forth in the petition.

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Sealing: Lawful Use

- ✦ Sealed convictions may be shared within Commonwealth agencies or with any federal agency, for the purpose of administering any duties or functions required by state or federal law.
- ✦ Sealed convictions may still be
 - i. disclosed in any pretrial or sentencing report, including any discretionary sentencing guidelines;
 - ii. considered when ascertaining the punishment of a defendant; or
 - iii. considered in any hearing on the issue of bail, release, or detention of a defendant.

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Exclusions

- ✦ Sealing is not available:
 - ✦ To defendants who
 - i. have been convicted of a Class 1 or 2 felony or any other felony punishable by imprisonment for life,
 - ii. have been convicted of a Class 3 or 4 felony within the past 20 years,
 - iii. have been convicted of any other felony within the past 10 years from the date the petition was filed.
 - ✦ To defendants who have not yet paid restitution.
 - ✦ Sealing is only available twice in a lifetime.

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Exclusions – Offenses

1. Sections 4.1-309.1, 5.1-13, 18.2-36, 18.2-36.1, 18.2-36.2, and 18.2-47; subsection A of § 18.2-49.1; § 18.2-51.5; subsection C of § 18.2-57; §§ 18.2-57.2, 18.2-57.3, 18.2-59.1, 18.2-60, 18.2-60.3, 18.2-60.5, 18.2-130, 18.2-130.1, 18.2-144, 18.2-144.1, 18.2-154, 18.2-178.1, 18.2-266, 18.2-266.1, 18.2-268.3, 18.2-282.1, and 18.2-324.2; former subsection B of 18.2-346; and §§ 18.2-405, 18.2-406, 18.2-472.1, 19.2-62, 29.1-738, 29.1-738.02, 29.1-738.2, 37.2-912, 40.1-100.2, 40.1-103, 46.2-341.24, and 46.2-341.26.3;

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Exclusions – Offenses (con'd)

2. Any violation of any offense under § 9.1-902 for which registration with the Sex Offender and Crime Against Minors Registry is required;
3. Any violation of any violent felony offense listed under subsection C of § 17.1-805;
4. Any violation of any felony offense not listed as a violent felony under subsection C of § 17.1-805 where the person utilized a firearm, as defined in § 18.2-308.2.2, as part of the transaction or occurrence in the underlying offense to be sealed, unless such person's right to possess, transport, or carry a firearm, ammunition for a firearm, or a stun weapon has been restored pursuant to § 18.2-308.2;
5. Any violation of an emergency, preliminary, or permanent protective order issued pursuant to Article 4 (§ 16.1-246 et seq.) of Chapter 11 of Title 16.1 or Chapter 9.1 (§ 19.2-152.7:1 et seq.) or any family abuse protective order issued pursuant to Article 9 (§ 16.1-278 et seq.) of Chapter 11 of Title 16.1;
6. Any violation of any hate crime as defined in § 52-8.5;
7. Any violation of Article 9 (§ 3.2-657.0 et seq.) of Chapter 65 of Title 3.2;

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Exclusions – Offenses (con'd)

8. Any violation of Title 24.2 (§ 24.2-100 et seq.);
9. Any violation involving the possession and distribution of flunitrazepam pursuant to § 18.2-251.2 or the possession of Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate) pursuant to § 18.2-250;
10. Any violation where a person was found not guilty by reason of insanity;
11. Any conspiracy, attempt, or solicitation, and any principal in the second degree, accessory before the fact, accessory after the fact, or any similar ordinance of any county, city, or town, for any offense deemed ineligible under this subsection;
12. Any conspiracy, attempt, or solicitation, and any principal in the second degree, accessory before the fact, accessory after the fact where the completed substantive offense would be punishable as a Class 1, 2, 3, or 4 felony or by a term of imprisonment of more than 10 years, with the exception of a violation of § 18.2-95 or any other felony offense in which the defendant is deemed guilty of larceny and punished as provided in § 18.2-95;

60

Exclusions – Offenses (con'd)

13. Any violation of any offense where the person was prohibited by the court from possessing or owning a companion animal as a result of the transaction or occurrence in the underlying offense to be sealed, while such prohibition remains in effect;
14. Any violation of Article 6 (§ 3.2-6537 et seq.) of Chapter 65 of Title 3.2 that involved a dangerous or vicious dog as a part of the transaction or occurrence in the underlying offense to be sealed, while the person continues to own or possess such dog;
15. Any violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
16. Any violation of Article 3 (§ 18.2-346 et seq.) of Chapter 8 of Title 18.2, with the exception of § 18.2-346, former subsection A of § 18.2-346, and § 18.2-347;
17. Any violation of Article 4 (§ 18.2-362 et seq.) of Chapter 8 of Title 18.2, with the exception of §§ 18.2-365, 18.2-371.2, 18.2-371.3, and 18.2-371.4;
18. Any violation of Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, with the exception of § 18.2-388; and
19. Any offense where the victim of the crime to be sealed was a family or household member, as defined in § 16.1-228, of the person

61

Crime of Disclosure

☀ § 19.2-392.14(A) It is a Class 1 misdemeanor for any employee having or acquiring access to sealed criminal history record information or a court record, including any sealed records relating to an arrest, charge, or conviction to disclose such record or any information from such record to another person, except in accordance with the purposes set forth in the Code.

62

NEW AND AMENDED CRIMES AND OFFENSES

63

Ch. 38 Escape from Jail or Custody

- ✧ Amends §18.2-478, which currently only applies to escape from a "police" officer, and §18.2-479
- ✧ Specifies that the definition of law-enforcement officer that currently applies for the crime of assault and battery of a law-enforcement officer shall be used for the purposes of the crimes related to escaping from jail or custody of a law-enforcement officer.

64

Ch. 61: Derelict Buildings

- ✧ Amends §15.2-907.1
- ✧ Expands the authority of localities to impose civil penalties not exceeding \$500 per month on the owners of certain derelict buildings to include non-residential property.
- ✧ Previous law limited such civil penalties to residential property.

65

Ch. 449: Vacant and blighted or derelict property;

- ✧ Creates a new Code section, §15.2-958.1:1
- ✧ Allows a locality where certain vacant and blighted or derelict property is located to petition the circuit court to appoint a special commissioner to execute the necessary deed or deeds to convey the real estate, in lieu of a sale at public auction, to the locality, to the locality's land bank entity, or to an existing nonprofit entity designated by the locality to carry out the functions of a land bank.

66

Ch. 449 (con'd)

- ✧ The bill provides that the locality shall require any purchaser by covenants in the deed or other security instrument to
 - (i) begin repair or renovation of the property within six months of purchase and
 - (ii) complete all repairs or renovations necessary to bring the property into compliance with the local building code within a period not to exceed two years of the purchase.

67

Ch. 97: Counterfeit and Unsafe Lighters

- ✧ Amends § 27-95 and § 27-97
- ✧ Prohibits the offering or sale to the public of unsafe lighters or counterfeit lighters, regardless of whether such offering or sale is conducted on a retail basis or wholesale basis.
- ✧ "Counterfeit lighter" means any lighter designed in a way that infringes on the intellectual property rights of any citizen of the United States or any entity that is protected by any federal or state intellectual property law.

68

Ch. 97: Counterfeit and Unsafe Lighters (con'd)

- ✧ "Unsafe lighter" means (i) a disposable or refillable lighter used for cigarettes, cigars, or pipes that does not comply with ASTM International standard F400-20, as amended from time to time, or (ii) a lighter used for utilities, grills, or fireplaces or a lighting rod or gas match that does not comply with ASTM International standard F2201-20, as amended from time to time.
- ✧ Exception: the Fire Prevention Code shall not prohibit (i) the interstate transportation of counterfeit lighters or unsafe lighters through the Commonwealth or (ii) the storage of counterfeit lighters or unsafe lighters in any distribution center or warehouse located in the Commonwealth, if such distribution center or warehouse is closed to the public and does not distribute or sell such lighters to the public.

69

Ch. 128 / 132: Mail Theft

- ✧ New Offense: § 18.2-110.1.
- ✧ Creates the offense of mail theft, punishable as a Class 6 felony, for any person who
- ✧ (i) knowingly, willfully, and with the intent to deprive, injure, damage, or defraud another
 - (a) takes, destroys, hides, or embezzles mail or
 - (b) obtains any mail by fraud or deception;

70

Ch. 128 / 132: Mail Theft (con'd)

- ✧ Also a Class 6 felony for any person who
- ✧ (ii) buys, receives, conceals, or possesses
 - a) mail and knows or reasonably should know that the mail was unlawfully taken or obtained;
 - b) any key he knows or reasonably should know is suited to any lock adopted by the United States Postal Service that provides access to any mail receptacle located in a cluster mailbox unit or other mailbox panel used for the purpose of centralized mail in any neighborhood, including any condominium or apartment complex; or
 - c) a counterfeit device or key designed to provide access to any lock described in clause (b); or
- ✧ (iii) knowingly, willfully, and with the intent to steal any mail inside damages, opens, removes, injures, vandalizes, or destroys any mail receptacle.

71

Ch. 227: Sexual Extortion

- ✧ Amends § 18.2-59.1 by adding section (B), a Class 5 felony
- ✧ Applies to any person who maliciously threatens eviction, loss of housing, property damage, or any financial loss 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 engage in sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, inanimate or animate object sexual penetration, or an act of sexual abuse.
- ✧ 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 younger than 15 years of age.

72

Ch. 259: Inhalant Drugs § 18.2-264.

- ✶ Prohibits the sale or distribution of a device that is designed or intended to deliver a gas containing nitrous oxide to persons under 18 years of age with exceptions as defined in the bill.
- ✶ Any person who fails to make diligent inquiry as to whether the person trying to obtain such a device is 18 years of age or older or sells, distributes, or attempts to sell or distribute such a device to a person under 18 years of age is guilty of a Class 1 misdemeanor.
- ✶ The bill also adds nitrous oxide to the list of noxious chemical substances for which it is unlawful to deliberately smell or inhale with the intent to become intoxicated, inebriated, excited, or stupefied or to dull the brain or nervous system, or to deliberately cause another person to do so.

73

Ch. 261: Electronic Exposure to a Child

- ✶ Amends §§ 17.1-805 and 18.2-374.3
- ✶ Creates a Class 1 misdemeanor for any person 18 years of age or older who uses a communications system, including computers or computer networks or bulletin boards, or any other electronic means, with lascivious intent, to expose his sexual or genital parts to any person he knows or has reason to know is a child to whom he is not legally married and such child is 15 years of age or older.

74

Ch. 261: Con'd

- ✶ Under current law, it is a Class 5 felony for any person 18 years of age or older to use such communications system for the purposes of soliciting, with lascivious intent, any person he knows or has reason to believe is a child younger than 15 years of age to knowingly and intentionally commit certain sexual activities, including exposing his sexual or genital parts to any child to whom he is not legally married or proposing that any such child expose his sexual or genital parts to such person.

75

Ch. 261: Con'd

- ✦ It is also a Class 5 felony under current law for any person to commit such acts with any child he knows or has reason to believe is at least 15 years of age but younger than 18 years of age if such person is at least seven years older than the child.
- ✦ As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference.

76

Ch. 266 / 281: Drug Checking Paraphernalia

- ✦ Amends §§ 18.2-265.1 and 54.1-3466.
- ✦ Creates an exception for drug checking products used to determine the presence or concentration of a contaminant that can cause physical harm or death from the definitions of drug paraphernalia and controlled paraphernalia.
- ✦ Under current law, the exception applies only to narcotic testing products used to determine whether a controlled substance contains fentanyl or a fentanyl analog.

77

Ch.361: Assault and Battery – Sports § 18.2-57 Amended

- ✦ 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 a sports official, defined in the bill, for an entity sponsoring an interscholastic or intercollegiate sports event or any person performing services as a sports official for a public entity or a private, nonprofit organization that sponsors an amateur sports event who
 - i. is engaged in the performance of his duties or
 - ii. is on the premises of such event prior to engaging in his duties or upon conclusion of his duties.

78

Ch.361: Con'd

✶ The bill provides that such person, upon conviction, may be prohibited from attending any such sports event operated by the entity or organization that employed such sports official for a period of not less than six months as a term and condition of such sentence.

79

Ch. 368: Threats to Burn or Destroy

✶ Amends § 18.2-83 to provide that any person

- i. who makes and communicates to another by any means any threat to bomb, burn, destroy, discharge a firearm within or at, or in any manner damage any place of assembly, building or other structure, or means of transportation or
- ii. who communicates to another, by any means, information, knowing the same to be false, as to the existence of any peril of bombing, burning, destruction, discharging of a firearm within or at, or damage to any such place of assembly, building or other structure, or means of transportation is guilty of a Class 5 felony, provided, however, that if such person is under 18 years of age, he is guilty of a Class 1 misdemeanor.

80

Ch. 368: Con'd

✶ Under current law, any person 15 years of age or older (a) who makes and communicates to another by any means any threat to bomb, burn, destroy, or in any manner damage any place of assembly, building or other structure, or means of transportation or (b) who communicates to another, by any means, information, knowing the same to be false, as to the existence of any peril of bombing, burning, destruction, or damage to any such place of assembly, building or other structure, or means of transportation is guilty of a Class 5 felony. This bill is a recommendation of the Virginia Criminal Justice Conference.

81

Ch. 374: Trespass by Drone – Defense Facility

- ✧ Amends § 18.2-121.3
- ✧ Creates a Class 4 felony for any person who knowingly, intentionally, and without authorization causes an unmanned aircraft system to enter the property of and obtains or attempts to obtain any videographic or still image that contains or reveals any controlled technical information located within a contracted defense facility, as those terms are defined in the bill.

82

Ch. 374: Con'd

- ✧ The bill also provides that the owner or operator of a contracted defense facility and its employees shall be immune from criminal prosecution and civil liability as a result of preventing, stopping, deterring, interrupting, or repelling, or attempting to prevent, stop, deter, interrupt, or repel, an unmanned aircraft system from entering the property of such contracted defense facility or from stopping, interrupting, or repelling, or attempting to stop, interrupt, or repel, an unmanned aircraft system that has entered such property, provided that such action does not result in injury to any person.

83

Ch. 622: Trespass by Drone - Infrastructure

- ✧ Amends § 18.2-121.3.
- ✧ Creates a Class 4 felony for any person who knowingly and intentionally, and without authorization, causes an unmanned aircraft system to enter the airspace over any public services or utilities or critical infrastructure, as defined in relevant law, including any military base authorized by the U.S. Department of Defense, or any facility, as defined in relevant law, covered by the federal Maritime Transportation Security Act of 2002.

84

Ch. 622: Con'd

- ✧ The bill also adds that the offenses related to trespass with an unmanned aircraft system shall not apply to any person who causes an unmanned aircraft system to enter any prohibited property if such person is
 - i. an employee of the property and is conducting official business or
 - ii. an employee of a public service or utility, critical infrastructure, or facility and is conducting official business.

85

Ch. 394 / 403: Crack/Powder Distinction

- ✧ Amends § 18.2-248.
- ✧ Removes the distinction between cocaine, which refers to powder cocaine, its salts, optical and geometric isomers, and salts of isomers and a mixture or substance that contains cocaine base, which refers to crack cocaine, for the offense of manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance.

86

Ch. 396: Immunity from Arrest While Reporting Sexual Assault

- ✧ Amends § 18.2-251.03.
- ✧ Provides that no individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or consumption of alcohol or marijuana, possession of a controlled substance, intoxication in public, or possession of controlled paraphernalia if the individual, in good faith, seeks or obtains assistance for himself or another individual from emergency medical services personnel, a health care provider, or a law-enforcement officer, as those terms are defined in relevant law, and seeks to report an act of sexual violence committed against himself or another individual,

87

Ch. 396: Con'd

- ✧ Immunity applies so long as
 - i. such individual identifies himself to the law-enforcement officer who responds to the report of the act of sexual violence and
 - ii. the evidence for the prosecution of such an offense was obtained as a result of the individual seeking or obtaining medical attention, rendering care or assistance, or reporting to law enforcement.
- ✧ However, such immunity shall not apply to an individual who is alleged to have committed the act of sexual violence or if the emergency medical attention was sought or obtained during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest.

88

Ch. 396: Con'd

- ✧ The bill also provides that no individual immune to arrest or prosecution when experiencing or reporting an overdose or act of sexual violence shall have his bail, probation, furlough, supervised release, suspended sentence, or parole revoked for the behavior immune from arrest or prosecution under the provisions of applicable law.

89

Ch. 398: Synthetic Digital Content

- ✧ Amends §§ 8.01-45, 8.01-46, and 18.2-417 and adds § 18.2-213.3.
- ✧ Expands the applicability of provisions related to defamation, slander, and libel to include synthetic digital content, defined in the bill. The bill makes it a Class 1 misdemeanor for any person to use any synthetic digital content for the purpose of committing any criminal offense involving fraud, constituting a separate and distinct offense with punishment separate and apart from any punishment received for the commission of the primary criminal offense.
- ✧ The substantive provisions of the bill do not become effective unless reenacted by the 2026 Session of the General Assembly.

90

Ch. 719 / 721 – Involuntary Manslaughter: Drugs

- ✶ Creates a new involuntary manslaughter offense, § 18.2-36.3, for person who knowingly, intentionally, and feloniously manufactures, sells, or distributes a controlled substance knowing that such controlled substance contains a detectable amount of fentanyl and unintentionally causes the death of another person if:

- i. such death results from the use of the controlled substance and
- ii. such controlled substance is the proximate cause of the death regardless of the time or place death occurred in relation to the commission of the underlying manufacturing, sale, or distribution of a controlled substance that contains a detectable amount of fentanyl.

91

Venue for Drug Manslaughter

- ✶ Venue for a prosecution under this section shall lie in the locality where the manufacturing, sale, or distribution of a controlled substance that contains a detectable amount of fentanyl, including its derivatives, isomers, esters, ethers, salts, and salts of isomers, occurred, where the use of the controlled substance occurred, or where death occurred.

92

Accommodation: Lesser Offense

- ✶ If any person proves that he gave or distributed fentanyl only as an accommodation to another individual who is not an inmate in a community correctional facility, local correctional facility, or state correctional facility, and not with intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, he shall not be guilty of involuntary manslaughter but is guilty of an accommodation sale punishable as a Class 6 felony.

93

Limitation on Prosecution

- ✧ No person convicted pursuant to this section shall be subject to a prosecution for a violation of § 18.2-46.6(D)(fentanyl as weapon of terrorism) or § 18.2-248.01 (importation), 18.2-250 (possession), or 18.2-256 (conspiracy) for the same transaction or occurrence.

94

TOBACCO AND LIQUID NICOTINE

95

Ch. 793 / 828 Liquid nicotine and nicotine vapor products; certification and directory.

- ✧ 2024 bill that amended §§ 59.1-200 and 59.1-293.10 and adds §§ 59.1-293.12 through 59.1-293.19. Required every manufacturer of liquid nicotine or nicotine vapor products that are sold for retail sale in the Commonwealth to certify to the Attorney General that
 - i. The manufacturer has received a marketing authorization or similar order for the liquid nicotine or nicotine vapor product from the U.S. Food and Drug Administration (FDA) or
 - ii: (a) the liquid nicotine or nicotine vapor product was marketed in the United States as of August 8, 2016, or (b) the manufacturer submitted a premarket tobacco product application for the liquid nicotine or nicotine vapor product to the FDA on or before September 9, 2020, and such application either remains under review by the FDA or a final decision on the application has not otherwise taken effect.

96

2024: Ch. 793 / 828 Con'd

- ✦ The bill allows a 10-business-day period for a manufacturer to establish compliance.
- ✦ The bill requires that any such products that are removed from the list be sold or removed from retail sale within 30 days or become subject to seizure.
- ✦ The bill prohibits the sale, distribution, importation, or offer for sale of any liquid nicotine or nicotine vapor product that is not listed in the directory.
- ✦ The bill provides for a civil penalty of \$1,000 per day for each product offered for sale in violation of the bill's provisions until the offending product is removed from the market or until the offending product is properly listed on the directory.

97

2024 Ch. 793 / 828 Con'd

- ✦ The bill requires any person that receives, stores, sells, handles, or transports liquid nicotine or nicotine vapor products to preserve all records relating to the purchase, sale, exchange, receipt, or transportation of all liquid nicotine or nicotine vapor products for a period of three years.
- ✦ The bill provides that all such records are subject to audit or inspection at any time by any duly authorized representative of the Attorney General.
- ✦ Any person who violates the recordkeeping provisions of the bill is guilty of a Class 2 misdemeanor.

98

2024 Ch. 793 / 828 Con'd

- ✦ Additionally, the bill provides that the Department of Taxation, the Attorney General, any other law-enforcement agency of the Commonwealth, or any federal law-enforcement agency conducting a criminal investigation involving the trafficking of liquid nicotine or nicotine vapor products may access at any time such records.
- ✦ The bill requires the Department of Taxation to impose a penalty of \$1,000 for each day that a person fails or refuses to allow or cooperate with an audit, inspection, or investigation of such records.

99

2024 Ch. 793 / 828 Con'd

- ✦ The bill authorizes the Attorney General and, with the concurrence of the Attorney General, any attorney for the Commonwealth, or the attorney for any city, county, or town to cause an action to enjoin any violation of the provisions of the bill.
- ✦ The circuit courts are authorized by the bill to (a) issue temporary or permanent injunctions to restrain and prevent violations of the provisions of the bill and (b) order forfeiture of any property seized for such a violation.
- ✦ The bill authorizes the Attorney General to issue a civil investigative demand.
- ✦ *The provisions of this act shall become effective on July 1, 2025.*

100

2024 Ch. 796 / 821

- ✦ Bill concerned sales of retail tobacco products and liquid nicotine.
- ✦ Bill removed provisions prohibiting the attempt to purchase, the purchase, or the possession of tobacco products by persons younger than 21 years of age.

101

Ch. 595/596:
Tobacco/Hemp Possession Under 21

- ✦ Amends §§ 15.2-912.4 and 58.1-1021.04:1 and adds §18.2-371.2:1
- ✦ Prohibits any person younger than 21 years of age from possessing any retail tobacco or hemp product intended for smoking, as those terms are defined in relevant law, with certain exceptions enumerated in the bill.
- ✦ The bill provides that any such product purchased or possessed by a person younger than 21 years of age
 - i. shall be deemed contraband and
 - ii. may be seized by a law-enforcement officer.

102

Ch. 595/596: Con'd

- ✦ Any such product, the lawful possession of which is not established, seized by such officer shall be forfeited and disposed of according to the process described in relevant law.
- ✦ The bill also provides that seizure shall be the sole penalty for a violation of such prohibition and that the provisions of the bill shall not preclude prosecution under any other statute.

103

Ch. 673: Nazi Symbols

- ✦ Creates in §18.2-423.1 a Class 6 felony for any person who, with intent of intimidating any person or group of persons, places a Hakenkreuz, hooked cross, or Nazi symbol or emblem, sometimes referred to as the Nazi swastika, on the private property of another without permission.
- ✦ The bill also makes it a Class 6 felony if such Nazi symbol or emblem is placed on a highway or other public place in a manner having a direct tendency to place another person in reasonable fear or apprehension of death or bodily injury.
- ✦ Finally, the bill clarifies that such Nazi symbol or emblem does not include the swastika symbol of peace and prosperity used by Hinduism, Buddhism, Jainism, Zoroastrianism, or Native American religions.

104

TRAFFIC

105

Ch. 82 Social Services Vehicles' Amber Lights

- ✧ § 46.2-1025 amended to authorize the use of amber warning lights on vehicles used by a local department of social services to respond to a request for assistance from law-enforcement agency personnel.

106

Ch. 121: Dismissal of No OL

- ✧ Amends §§ 16.1-69.48:1, 46.2-300, and 46.2-301.
- ✧ Provides that a court may, in its discretion, dismiss a violation for driving without a license if such person can prove to the court compliance with the law on or before the court date and payment of court fees, unless such person was operating a commercial motor vehicle, defined in relevant law.

107

Ch. 121 Con'd

- ✧ The bill also provides that a court may, in its discretion and where there have been no prior violations or convictions within the past 10 years, dismiss a person's violation for driving while his driver's license, learner's permit, or privilege to drive is suspended or revoked if such person can prove to the court compliance with the law on or before the court date and payment of court fees, unless such person
 - i. possesses a commercial driver's license or commercial learner's permit, as those terms are defined in relevant law, or
 - ii. was operating a commercial motor vehicle.
- ✧ If there has been a prior violation or violations, the court, in its discretion, may dismiss or amend the summons or warrant, where proof of substantial compliance has been provided to the court.

108

Ch. 366: Allowing Unlicensed Minor to Drive

- ✦ Amends § 46.2-301.1 to prohibit any person from knowingly authorizing the operation of a motor vehicle by a minor who he knows has no operator's license or learner's permit or who has a learner's permit but who he knows would operate such motor vehicle in violation of certain limitations on operating a motor vehicle with a learner's permit.
- ✦ The bill makes it a Class 1 misdemeanor for any person who violates such provisions if such violation results in a motor vehicle accident that causes death or injury to any person if such violation does not otherwise constitute a felony.

109

Ch. 366: Con'd

- ✦ Existing law prohibits any person from knowingly authorizing the operation of a motor vehicle by any person who the authorizing person knows
 - i. has had his operator's license or permit suspended or revoked or
 - ii. has no operator's license or permit and has been previously convicted of driving without a license.

110

Ch. 431: Unlicensed Driving

- ✦ Identical to Ch. 366 but also amends § 46.2-301.1 to prohibit any person from knowingly authorizing the operation of a motor vehicle by "any person who he knows has no legal right to do so"

111

Ch. 431: (Con'd)

- ✦ Existing law prohibits any person from knowingly authorizing the operation of a motor vehicle by any person who the authorizing person knows
 - a) has had his operator's license or permit suspended or revoked or
 - b) has no operator's license or permit and has been previously convicted of driving without a license.

112

Ch. 414: Seatbelts § 46.2-1094

- ✦ Requires all adult passengers in a motor vehicle equipped with a safety belt system to wear such safety belt system when the motor vehicle is in motion on a public highway.
- ✦ Current law requires adult passengers to wear such safety belts when occupying the front seat.
- ✦ Note that § 46.2-1094 states "F. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding."

113

Ch. 648: Exhibition Driving

- ✦ Amends §§ 46.2-865 - 46.2-867, adds § 46.2-867.1 to prohibit
 - i. slowing or stopping traffic for a race or exhibition driving;
 - ii. riding as a passenger on the hood or roof of a motor vehicle during a race or exhibition driving; or
 - iii. aiding or abetting exhibition driving.
- ✦ The bill establishes penalties for violations and establishes a process for impounding or immobilizing motor vehicles driven by persons arrested for exhibition driving.
- ✦ The bill had an emergency clause and took effective immediately upon signing

114

Ch. 652: Intelligent Speed Assistance

- ✧ Amends §§ 46.2-393, 46.2-394, 46.2-398, 46.2-506, and 46.2-865 and adds § 46.2-507
- ✧ Establishes the Intelligent Speed Assistance Program to be administered by the Commission on the Virginia Alcohol Safety Action Program.
- ✧ The bill authorizes enrollment in such Program as an alternative to suspending a person's driver's license upon such person's conviction of certain speed-related offenses.

115

Ch. 652: Con'd

- ✧ The bill requires a court to order enrollment in such Program for a person convicted of reckless driving and who was found to have been driving in excess of 100 miles per hour.
- ✧ The bill requires the Commissioner of the Department of Motor Vehicles to provide the option, in a written notice, for enrollment in such Program instead of license suspension for a person who has accumulated certain amounts of demerit points, and if such person does not respond to such written notice within 30 days, the bill requires such suspension of his license.

116

Ch. 652: Con'd

- ✧ The bill requires any person enrolled in the Program to enter into and successfully complete the Program and install an intelligent speed assistance system, defined in the bill, in any motor vehicle owned by or registered to the participant and prohibits such person from driving any motor vehicle that does not have such a system installed.
- ✧ The bill creates a Class 1 misdemeanor for tampering with or attempting to bypass or circumvent such a system.

117

Ch. 652: Con'd

- ✦ The bill provides that any person who enters into the Program prior to trial may pre-qualify with the Program to have an intelligent speed assistance system installed on any motor vehicle owned or operated by him and that the court may consider such pre-qualification and installation.

118

Ch. 670: Photo Speed Monitoring

- ✦ Amends § 46.2-882.1.
- ✦ Requires photographs, microphotographs, or other recorded images, or documentation, produced by a photo speed monitoring device placed in a school crossing zone to depict or confirm a portable sign or tilt-over sign that is in position and blinking or otherwise activated, indicating the school crossing zone, at the time of such vehicle speed violation in order for a sworn certificate to be considered prima facie evidence for purposes of enforcing vehicle speed violations.

119

Ch. 718 – Trailer Exemption From Tail/Brake Lights

- ✦ Amends § 46.2-1088.5
- ✦ Trailers exempt from registration may operate on highways (NOT interstates) without tail lights or brake lights when equipped with
 - i. two or more reflectors of a type approved by the Superintendent or
 - ii. at least 100 square inches of solid reflectorized material.
- ✦ Exemption does not apply in Planning District 8 (Northern Va.)

120

Unlit Trailers - Rules

- ✦ Trailer shall keep to the rightmost lane when operating on such a highway, except when turning at an intersection or avoiding any hazard.
- ✦ Trailer shall not be operated on the highways of the Commonwealth:
 - a) during any time when, because of rain, smoke, fog, snow, sleet, insufficient light, or other unfavorable atmospheric conditions, visibility is reduced to a degree whereby persons or vehicles on the highway are not clearly discernible at a distance of 500 feet or
 - b) whenever windshield wipers are in use as a result of fog, rain, sleet, or snow.

121

Law Enforcement Regulatory & Reporting Requirements

122

Ch. 69: Fire Programs Fund; aid to localities, Requirement for emergency incidents reporting.

- ✦ Amends §38.2-401
- ✦ Requires that, in order to remain eligible for funding from the Fire Programs Fund, a locality must report all emergency incidents through the National Emergency Response Information System while sharing such emergency incident data with the Department of Fire Programs.
- ✦ The bill has a delayed effective date of July 1, 2026.

123

Ch. 720 – License Plate Readers

- ✦ Defines "Automatic license plate recognition system" as a system of one or more high-speed cameras used in combination with computer algorithms to convert images of license plates, vehicles, or a combination of both into computer-readable data.
- ✦ Sets limits on lawful use of ALPRs, establishes contract guidelines, and requires approval for ALPR technologies.
- ✦ Sets requirements for audits, record keeping and destruction of those records.

124

Effective Date

- ✦ Most provisions effective July 1, 2025 and are NOT retroactive.
- ✦ Restrictions on contracting shall become effective on July 1, 2026.
- ✦ Any law-enforcement agency may enter into or continue an existing contract with a vendor for the installation, use, or maintenance of an automatic license plate recognition system prior to July 1, 2026
- ✦ However, after such date the terms of such contract must comply with the provisions of subsection C of § 2.2-5517 of the Code of Virginia, as created by this act.

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New Statute: § 2.2-5517(D)

- ✦ A law-enforcement agency may use a system only:
 - i. as part of a criminal investigation into an alleged violation of the Code of Virginia or any ordinance of any county, city, or town where there is a reasonable suspicion that a crime was committed;
 - ii. as part of an active investigation related to a missing or endangered person, including whether to issue an alert for such person, or a person associated with human trafficking; or
 - iii. to receive notifications related to a missing or endangered person, a person with an outstanding warrant, a person associated with human trafficking, a stolen vehicle, or a stolen license plate.

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Limitations on Use

- ✦ All information necessary for the creation of an audit trail shall be entered in order to query system data.
- ✦ A law-enforcement agency shall not query or download system data unless such data is related to at least one of these purposes.
- ✦ A law-enforcement agency may download audit trail data for purposes of generating audit reports.
- ✦ A law-enforcement agency shall not use a system for the purpose of interfering with individuals engaged in lawful activities or tracking individuals on the basis of the content of lawfully protected speech.

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Vehicle Stops - Limits

- ✦ A notification by a system for purposes set forth in subsection D does not, by itself, constitute reasonable suspicion as grounds for law enforcement to stop a vehicle.
- ✦ Prior to stopping a vehicle based on a notification, a law-enforcement officer shall:
 1. Develop independent reasonable suspicion for the stop; or
 2. Confirm that the license plate or identifying characteristics of a vehicle match the information contained in the database used to generate the notification.

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Violations of Limits

- ✦ Any person who willfully and intentionally queries, accesses, or uses a system for a purpose other than set forth in subsection D, or who willfully and intentionally sells, shares, or disseminates system data or audit trail data in violation of subsection F, is guilty of a Class 1 misdemeanor.
- ✦ Any evidence obtained as the result of a violation of the statute is not admissible by the Commonwealth in any criminal or civil proceeding, but such evidence may be admitted by a defendant in a criminal proceeding or a litigant, other than the Commonwealth, in a civil proceeding.

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Limitations on Storage

- ✦ System data shall be purged after 21 days of the date of its capture in such a manner that such data is destroyed and not recoverable by either the vendor or the law-enforcement agency.
- ✦ However, if the system data is part of an ongoing investigation, prosecution, or civil action, such data shall be retained by the law-enforcement agency until
 - i. the investigation concludes without any criminal charges or
 - ii. the final disposition of any criminal or civil matter related to the data, including any direct appeals and any writs of habeas corpus.

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Limitations on Sharing

- ✦ A law-enforcement agency shall not share system data or audit trail data with, or disseminate such data to, any database of any other state, federal, private, or commercial entity.
- ✦ A law-enforcement agency may share system data or audit trail data for the following purposes:
 1. With another law-enforcement agency for purposes set forth in subsection D, which may include allowing another law-enforcement agency to query system data, provided that the agency receiving such data shall comply with all of the provisions of this section;

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Other Permitted Sharing

2. With the attorney for the Commonwealth for purposes set forth in subsection D or for complying with discovery or a court order in a criminal proceeding;
3. With a defendant or his counsel for purposes of complying with discovery or a court order in a criminal proceeding;
4. Pursuant to a court order or a court-issued subpoena duces tecum in any criminal or civil proceeding;
5. With the vendor for maintenance or quality assurance purposes; or
6. To alert the public to an emergency situation, a missing or endangered person, a person associated with human trafficking, or a person with an outstanding warrant.

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Other Permitted Sharing

- ✧ In addition, the Department of State Police shall share system data obtained from any system installed, maintained, and operated on any limited access highway or any bridge, tunnel, or special structure under the jurisdiction of the Commonwealth Transportation Board or the Department of Transportation with any law-enforcement agency in the locality where such system is installed, maintained, or operated, and such law-enforcement may share such system data for the purposes set forth in this subsection.

133

Process for ALPR Approval

- ✧ Pursuant to § 2.2-1112, the Division of Purchases and Supply will review and approve ALPR systems for use by law enforcement in the Commonwealth, according to various confidentiality and security requirements.
 - Effective July 1, 2026
- ✧ A law-enforcement agency shall obtain a permit from the Department of Transportation in accordance with regulations of the Commonwealth Transportation Board before installing a system on a state right-of-way.
 - This one provision requires re-enactment by the General Assembly in 2026, or it will not take effect.

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Exclusions

- ✧ This section does not apply to systems used:
 1. For the enforcement of traffic laws, which includes parking regulations, speed limits, tolling requirements, high-occupancy vehicle requirements, or on-road emissions monitoring;
 2. By the Department of Motor Vehicles at permanent weighing stations and in mobile weighing operations; or
 3. By any state or local agency or any private entity for non-criminal justice purposes.

135

Amendment to § 52-30.2 – Traffic Stop Data

- ✧ Amends code section about data an officer must collect each time a law-enforcement officer or State Police officer stops a driver of a motor vehicle, stops and frisks a person based on reasonable suspicion, or temporarily detains a person during any other investigatory stop.
- ✧ Adds “whether a notification from an automatic license plate recognition system, as defined in § 2.2-5517, was received for the motor vehicle prior to such stop, and if so, the specific reason for the notification as set forth in subsection D of § 2.2-5517.”
- ✧ This provision shall be effective on January 1, 2026.

136

Chapter 698 – Pregnant Prisoners

- ✧ Creates new Code section, § 53.1-133.07, on treatment of prisoners known to be pregnant.
- ✧ No restraints shall be used on any prisoner known to be pregnant, beginning upon notification or diagnosis by a health care provider about such pregnancy and for the duration of such prisoner’s pregnancy, unless a deputy sheriff or jail officer makes an individualized determination that:
 - i. such prisoner will harm herself, the fetus, or any other person;
 - ii. such prisoner poses a flight risk; or
 - iii. the totality of the circumstances creates a serious security risk.
- ✧ If such individualized determination is made that restraints are necessary, such restraints shall be the least restrictive possible.

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“Restraints”

- ✧ Term is defined differently than in section on juvenile restraints
- ✧ In the bill, “Restraints” means any mechanical device, medication, physical intervention, or hands-on hold to prevent an individual from moving her body.

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Limitations on Prisoners in Labor/Delivery/Post-Partum Recovery

- ✦ No restraints shall be used on any prisoner known to be pregnant while such prisoner is in labor or during delivery or during post-partum recovery unless a deputy sheriff or jail officer makes an individualized determination that
 - i. such prisoner will harm herself, the fetus, the newborn child, or any other person;
 - ii. such prisoner poses a flight risk; or
 - iii. the totality of the circumstances creates a serious security risk.
- ✦ If such individualized determination is made that restraints are necessary, the deputy sheriff or jail officer shall consult with the health care provider treating such prisoner to ensure that such restraints are the least restrictive possible.
- ✦ § 53.1-133.07 and § 53.1-133.08 set reporting and other limits for use of such restraints.

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Limitations on Body Cavity Searches

- ✦ No employee of a local or regional correctional facility other than a licensed health care provider shall conduct a body cavity search of a prisoner known to be pregnant unless the employee has a reasonable belief that such prisoner is concealing contraband.
- ✦ If an employee conducts such body cavity search of a pregnant prisoner, the employee shall submit a written report to the sheriff or jail superintendent in charge of such correctional facility within 72 hours of such body cavity search and shall include in such report the justification for such body cavity search and what contraband was found, if any.

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Law Enforcement Procedural Guarantees and Regulations

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Ch. 204 / 219: Line of Duty Act

- ✧ Amends §§ 9.1-101, 9.1-400, 9.1-400.1, 9.1-401, and 9.1-402 through 9.1-404.
- ✧ Provides employees of contributing nonprofit private institutions of higher education and contributing private police departments, as those terms are defined in the bill, with the benefits granted to employees of participating employers under the Line of Duty Act.
- ✧ The bill clarifies that the Line of Duty Act shall not apply to any (i) private institution of higher education that is not a contributing nonprofit private institution of higher education or (ii) private police department that is not a contributing private police department.
- ✧ The bill requires each contributing nonprofit private institution of higher education and contributing private police department to pay its pro rata share of the initial costs to implement the bill, as determined by the Virginia Retirement System.

142

Ch. 207: Publication of Retired/Former LEO Info.

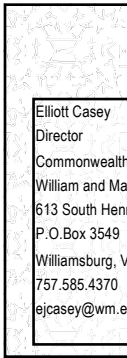
- ✧ Amends §18.2-186.4:1
- ✧ Permits a retired or former law-enforcement officer, if such public official was retired or ended his service as a law-enforcement officer within four years of filing the petition to petition a circuit court for an order prohibiting the publication on the Internet, by the Commonwealth, of the official's personal information.
- ✧ Previously, the law only protected current LEOs.

143

Ch. 289 / 303: Firearm Safety Tax Credit


- ✧ Amends § 58.1-339.14.
- ✧ Redefines an "eligible transaction" for purposes of the firearm safety device tax credit as one in which a taxpayer purchases one or more firearm safety devices from a commercial retailer, as defined in the bill. Current law defines "eligible transaction" as one in which a taxpayer purchases one or more firearm safety devices from a federally licensed dealer.
- ✧ The provisions of the bill apply to taxable years beginning on and after January 1, 2025.

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Questions?

Elliott Casey
Director
Commonwealth's Attorneys' Services Council
William and Mary Law School, Room 220
613 South Henry Street
P.O. Box 3549
Williamsburg, Virginia 23187
757.585.4370
ejcasey@wm.edu



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