



## **2015 Virginia Law Enforcement Legislative Update Master List**

Numerical order ~ contains hyperlinks to full bill language

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### **House Bills**

#### **HB 1277 Industrial hemp; production and manufacturing.**

An Act to amend and reenact §§ 3.2-801 and 54.1-3401 of the Code of Virginia and to amend the Code of Virginia by adding in Title 3.2 a chapter numbered 41.1, consisting of sections numbered 3.2-4112 through 3.2-4120, relating to industrial hemp production and manufacturing.

*Summary as passed House:*

**Industrial hemp production and manufacturing.** Allows the cultivation of industrial hemp by licensed growers as part of a university-managed research program. The bill defines industrial hemp as the plant *Cannabis sativa* with a concentration of THC no greater than that allowed by federal law, excludes industrial hemp from the definition of marijuana in the Drug Control Act, and bars the prosecution of a licensed grower under drug laws for the possession of industrial hemp as part of the research program. The bill directs the Commissioner of the Department of Agriculture and Consumer Services to adopt relevant regulations and establish an industrial hemp research program to be managed by public institutions of higher education. This bill is identical to SB 955.

#### **HB 1298 Noncommercial vessels; reasonable suspicion.**

An Act to amend and reenact § 29.1-745 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 19.2-10.3, relating to noncommercial vessels; reasonable suspicion.

*Summary as passed:*

**Noncommercial vessels; reasonable suspicion.** Requires law-enforcement officers to have reasonable suspicion that a violation of law or regulation exists before stopping, boarding, or inspecting a noncommercial vessel on the navigable waters of the Commonwealth. The bill

allows conservation police officers and Virginia Marine Police officers to (i) stop, board, and inspect in order to inspect hunting, fishing, or trapping licenses or creel and bag limits and (ii) conduct lawful boating safety checkpoints in accordance with established policies of the two agencies.

**HB 1308 Wire, electronic, or oral communications; civil action for unlawful interception, disclosure, etc.**

An Act to amend and reenact § 19.2-69 of the Code of Virginia, relating to privacy in communications; confidential relationship; civil action.

*Summary as passed House:*

**Right to privacy in electronic communications; confidential relationship; civil action.** Doubles the amount of liquidated damages that may be recovered against a person who intercepts, discloses, or uses wire, electronic, or oral communications in violation of Virginia's wiretapping law if such communications are between (i) a husband and wife; (ii) an attorney and client; (iii) a licensed practitioner of the healing arts and patient; (iv) a licensed professional counselor, licensed clinical social worker, licensed psychologist, or licensed marriage and family therapist and client; or (v) a clergy member and person seeking spiritual counsel or advice. The bill increases the allowable liquidated damages from \$400 a day for each day of violation or \$4,000, whichever is higher, to \$800 a day or \$8,000, whichever is higher.

**HB 1331 Sheriff's office; clarifies motor vehicle markings.**

An Act to amend and reenact § 15.2-1610 of the Code of Virginia, relating to sheriff's office.

*Summary as introduced:*

**Sheriff's office; motor vehicle markings.** Clarifies the markings that are to be placed on motor vehicles used by sheriff's offices.

**HB 1341 Autocycles; exempted from motor vehicle emissions inspection program.**

An Act to amend and reenact § 46.2-1177 of the Code of Virginia, relating to the motor vehicle emissions inspection program.

*Summary as passed:*

**Motor vehicle emissions inspection program; autocycles.** Exempts autocycles that have not been emissions certified with an on-board diagnostic system by the U.S. Environmental Protection Agency from the motor vehicle emissions inspection program. This bill is identical to SB 1218.

**HB 1342 Driver of motor vehicle following too closely; includes non-motor vehicles.**

An Act to amend and reenact § 46.2-816 of the Code of Virginia, relating to drivers following too closely.

*Summary as introduced:*

**Following too closely.** Includes non-motor vehicles (bicycles, electric assistive mobility devices, electric power-assisted bicycles, and mopeds) among vehicles that the driver of any motor vehicle shall not follow more closely than is reasonable. This bill is identical to SB 1220.

**HB 1344 Flashing lights on motor vehicles; "move over" law.**

An Act to amend and reenact § 46.2-1025 of the Code of Virginia, relating to vehicles equipped with flashing amber, purple, or green warning lights.

*Summary as passed House:*

**Flashing lights on motor vehicles; "move over" law.** Allows vehicles that assist with the management of roadside and traffic incidents or that perform traffic management services along public highways to be equipped with flashing, blinking, or alternating amber warning lights. Virginia's "move over" law applies to such vehicles. A violation of this provision is punishable as a traffic infraction.

**HB 1353 Sex Offender and Crimes Against Minors Registry; Supplement to Registry.**

An Act to amend and reenact § 9.1-918 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 9 of Title 9.1 a section numbered 9.1-923, relating to the Supplement to the Sex Offender and Crimes Against Minors Registry; penalty.

*Summary as passed:*

**Supplement to the Sex Offender and Crimes Against Minors Registry (Robby's Rule).** Requires the Superintendent of State Police to establish a Supplement to the Sex Offender and Crimes Against Minors Registry (the Registry) that would include information on persons who were convicted of certain sexual offenses on or after July 1, 1980, and before July 1, 1994, who are not currently on the Registry. The Supplement will be available to the public on the Department of State Police website. Persons whose information is on the Supplement who would be able to petition for removal of their information if they were on the Registry will be able to petition for removal of their information from the Supplement. This bill is identical to SB 1074.

**HB 1366 Sex offenders; prohibiting entry onto school or other property, hearing.**

An Act to amend and reenact § 18.2-370.5 of the Code of Virginia, relating to sex offenses prohibiting entry onto school or other property; hearing.

*Summary as passed:*

**Sex offenses prohibiting entry onto school or other property; hearing.** Provides that a sex offender who is prohibited from entering upon school or child day center property who petitions the circuit court for permission to enter such property must cause notice of the time and place of the hearing on his petition to be published once a week for two successive weeks in a newspaper of general circulation. The newspaper notice must contain a provision stating that written comments regarding the petition may be submitted to the clerk of court at least five days prior to the hearing. The bill also requires that for a public school the petitioner must provide notice of his petition to the chairman of the school board in addition to the Superintendent of Public Instruction.

**HB 1379 Stationary mail vehicles; related to passing.**

An Act to amend and reenact § 46.2-838 of the Code of Virginia, relating to passing when overtaking a stationary mail vehicle.

*Summary as passed House:*

**Overtaking stationary mail vehicles; reduce speed.** Requires the driver of any motor vehicle overtaking a stationary vehicle used to collect or deliver the United States mail that is displaying a flashing, blinking, or alternating amber light to proceed with due caution and maintain a safe speed.

### **HB 1392 Emergency contact program; DMV may establish.**

An Act to amend the Code of Virginia by adding a section numbered 46.2-203.2, relating to the Department of Motor Vehicles; emergency contact program.

*Summary as introduced:*

**Department of Motor Vehicles; emergency contact program.** Provides that DMV may establish an emergency contact program to allow customers to give DMV the name of an emergency contact person and related emergency contact information, which the customer may update or delete electronically at any time, to be kept in the customer's DMV record and made available to law-enforcement officers in emergency situations. The bill has a delayed effective date of January 1, 2016.

### **HB 1401 Designating the Trooper Jacqueline Vernon Memorial Bridge.**

An Act to designate the Interstate 395 bridge over S. Glebe Road in Arlington County the "Trooper Jacqueline Vernon Memorial Bridge."

*Summary as introduced:*

**Designating the Trooper Jacqueline Vernon Memorial Bridge.** Designates the Interstate 395 bridge over S. Glebe Road in Arlington County the "Trooper Jacqueline Vernon Memorial Bridge." This bill is identical to SB 703.

### **HB 1408 Telecommunication records; warrant requirement, prohibition on collection by law enforcement.**

An Act to amend and reenact § 19.2-70.3 of the Code of Virginia, relating to warrant requirement for certain telecommunications records; prohibition on collection by law enforcement.

*Summary as passed House:*

**Warrant requirement for certain telecommunications records; prohibition on collection by law enforcement.** Provides that if an investigative or law-enforcement officer would be required to obtain a search warrant in order to obtain the contents of electronic communications or real-time location data from a provider of electronic communication service or remote computing service, the officer shall not use any device to intercept such communications or

collect such real-time location data without first obtaining a search warrant authorizing the use of the device. This bill incorporates HB 1348.

### **HB 1445 Cannabidiol oil and THC-A oil; possession of marijuana.**

An Act to amend and reenact § 18.2-250.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-3408.3, relating to possession or distribution of marijuana for medical purposes; epilepsy.

*Summary as passed:*

**Possession or distribution of marijuana for medical purposes; epilepsy.** Provides an affirmative defense in a prosecution for the possession of marijuana if the marijuana is in the form of cannabidiol oil or THC-A oil possessed pursuant to a valid written certification issued by a practitioner of medicine or osteopathy licensed by the Board of Medicine for purposes of treating or alleviating a patient's symptoms of intractable epilepsy. The bill provides that a practitioner shall not be prosecuted for distribution of marijuana under the circumstances outlined in the bill. The bill contains an emergency clause. This bill is identical to SB 1235.

### **HB 1458 Naloxone or other opioid antagonist; pharmacist may dispense in cases of opiate overdose.**

An Act to amend and reenact §§ 8.01-225 and 54.1-3408 of the Code of Virginia, relating to prescription, distribution, and administration of naloxone or other opioid antagonist.

*Summary as enacted with Governor's Recommendations:*

**Naloxone; administration in cases of opiate overdose.** Provides that a pharmacist may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, that a person may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opiate overdose, and that firefighters and law-enforcement officers who have completed a training program may possess and administer naloxone in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. The bill also provides that a person who in good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for ! overdose reversal in an

emergency to an individual who is believed to be experiencing or about to experience a life-threatening opioid overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of § 54.1-3408 or in his role as a member of an emergency medical services agency. The bill contains an emergency clause. This bill is identical to HB 1833 and SB 1186.

**HB 1466 Capitol Police; security for Governor-elect, Lieutenant Governor-elect, Attorney General-elect, etc.**

An Act to amend and reenact § 30-34.2:1 of the Code of Virginia, relating to powers of Capitol Police when providing security for Governor-elect, Lieutenant Governor-elect, Attorney General-elect or members of the Court of Appeals.

*Summary as introduced:*

**Capitol Police; security for Governor-elect, Lieutenant Governor-elect, Attorney General-elect, and members of the Court of Appeals.** Expands the jurisdiction of the Capitol Police for the purpose of providing security for the Governor-elect, Lieutenant Governor-elect, Attorney General-elect, and members of the Court of Appeals. Under current law, the Capitol Police have expanded jurisdiction when providing security for the Governor and his family, the Lieutenant Governor, the Attorney General, members of the General Assembly, and members of the Supreme Court of Virginia. This bill contains technical amendments and is identical to SB 1048.

**HB 1474 Detention of delinquent juveniles; offenses causing death.**

An Act to amend and reenact § 16.1-284.1 of the Code of Virginia, relating to detention of delinquent juveniles; offenses causing death.

*Summary as passed House:*

**Detention of delinquent juveniles; offenses causing death.** Provides that a court may order that a juvenile who has been adjudicated delinquent of an offense that would be punishable as a felony or a Class 1 misdemeanor if committed by an adult and who (i) has not previously been and is not currently adjudicated delinquent of a violent juvenile felony or found guilty of a violent juvenile felony and (ii) has not been released from the custody of the Department of Juvenile Justice within the previous 18 months be confined in a detention home or other secure facility for juveniles for a period not to exceed 12 months if the offense committed by the juvenile

resulted in the death of another person. Currently, the length of such confinement cannot exceed six months, regardless of whether the offense resulted in the death of another person.

**HB 1493 Enticing another into a dwelling house; person who commits certain violations, Class 6 felony.**

An Act to amend the Code of Virginia by adding in Article 3 of Chapter 4 of Title 18.2 a section numbered 18.2-50.3, relating to enticing, etc., another into a dwelling house with intent to commit certain felonies; penalty.

*Summary as passed:*

**Enticing persons to dwelling house to commit certain crimes; penalty.** Provides that a person who commits certain specified crimes, including capital murder, first and second degree murder, murder of a pregnant woman, abduction with intent to extort money or for immoral purposes, aggravated malicious wounding, robbery, rape, forcible sodomy, or object sexual penetration, within a dwelling house and who, with the intent to commit such crime, enticed, solicited, requested, or otherwise caused the victim to enter the dwelling house is guilty of a separate and distinct Class 6 felony.

**HB 1499 Breastfeeding in public places; mother's right.**

An Act to amend the Code of Virginia by adding in Title 32.1 a chapter numbered 17, consisting of a section numbered 32.1-370, relating to the right to breast-feed in public places.

*Summary as introduced:*

**Right to breastfeed in public places.** Provides that a mother may breastfeed in any place where the mother is lawfully present. Current law allows breastfeeding on any property owned, leased, or controlled by the Commonwealth. This bill is identical to SB 1427.

**HB 1500 Overdoses; definition.**

An Act to amend the Code of Virginia by adding a section numbered 18.2-251.03, relating to safe reporting of overdoses.

*Summary as passed:*

**Safe reporting of overdoses.** Establishes an affirmative defense to prosecution of an individual for (i) simple possession of a controlled substance, marijuana, or controlled



paraphernalia; (ii) intoxication in public; or (iii) the unlawful purchase, possession, or consumption of alcohol if such individual sought or obtained emergency medical attention for himself or for another individual because of a drug-related or alcohol-related overdose and if the evidence for the charge was obtained as a result of the individual seeking or obtaining emergency medical attention. The bill provides that the affirmative defense may only be invoked by an individual who (a) remains at the scene of the overdose or at any location to which he is transported for emergency medical attention until a law-enforcement officer responds to the report of an overdose or, if no law-enforcement officer is present at either the scene or the other location, cooperates with law enforcement, (b) identifies himself to the responding law-enforcement officer, and (c) cooperates, upon request, with any criminal investigation reasonably related to the drug or alcohol that resulted in the overdose. No individual may assert this affirmative defense if the emergency medical attention sought or obtained was during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest. This bill is identical to SB 892.

#### **HB 1516 Wildlife traps; use of remote trap-checking technology.**

An Act to amend and reenact § 29.1-521 of the Code of Virginia, relating to use of remote trap-checking technology.

*Summary as introduced:*

**Visiting wildlife traps.** Requires the Board of Game and Inland Fisheries to adopt regulations allowing trappers to use remote trap-checking technology to check traps under specified conditions. Current law requires trappers to visit their traps either daily or, in the case of body-gripping traps that are completely submerged, once every 72 hours and remove all animals that have been caught in the traps.

#### **HB 1522 Motor fuels; hauling during times of necessitous circumstances.**

An Act to direct agencies of the Commonwealth to establish protocol relating to hauling motor fuels during times of necessitous circumstances; report.

*Summary as passed House:*

**Hauling motor fuels; times of emergency.** Directs certain state agencies to establish a protocol for a declaration of a state of emergency for resource shortages that adversely affect the delivery of motor fuels, gasoline, diesel, kerosene, number one and number two heating oils,

or liquid propane gas and to report on such protocol by the first day of the 2016 Session. This bill is identical to SB 778.

**HB 1531 Speed limits in school crossing zones; counties allowed to increase or decrease.**

An Act to amend and reenact § 46.2-873 of the Code of Virginia, relating to changing speed limits in school zones.

*Summary as passed:*

**Speed limits in school zones.** Allows counties in Planning District 8 to increase or decrease the speed limits in school zones; current law allows cities and towns to do so. This bill is identical to SB 803.

**HB 1544 Emergency vehicles; vehicle illuminated identification systems.**

An Act to amend the Code of Virginia by adding a section numbered 46.2-1028.1, relating to illuminated identification systems on certain emergency vehicles.

*Summary as introduced:*

**Vehicle illuminated identification systems.** Allows emergency vehicles to be equipped with illuminated identification systems that assist aircraft in reading numbers and other identifying markings on the roofs of the emergency vehicles.

**HB 1545 United States Postal Service; inspectors.**

An Act to amend and reenact §§ 19.2-12, 19.2-56, 19.2-187, and 19.2-187.01 of the Code of Virginia, relating to criminal procedure; postal inspectors.

*Summary as introduced:*

**United States Postal Service; inspectors.** Removes the word "Inspection" from references to the United States Postal Inspection Service in several criminal procedure sections. The United States Postal Service restructured its law-enforcement agencies in 1997 and currently has two federal law-enforcement agencies with jurisdiction to investigate Postal Service-related crimes. By removing the word "Inspection," both agencies are included in Code sections governing conservators of the peace, issuance of search warrants, and analysis of forensic evidence. This bill is identical to SB 685.

### **HB 1551 Antique motor vehicles; exhaust systems.**

An Act to amend and reenact § 46.2-1049 of the Code of Virginia, relating to antique vehicle exhaust systems; noise.

*Summary as passed:*

**Antique vehicle exhaust systems.** Exempts an antique motor vehicle manufactured prior to 1950, provided that the engine is comparable to that designed as standard factory equipment for that particular vehicle and that the exhaust system in good working order, from the requirement that motor vehicle exhaust systems "prevent excessive or unusual noise." This bill is identical to SB 702.

### **HB 1558 Adult fatality review teams, local and regional; established, penalty.**

An Act to amend and reenact §§ 2.2-3705.5, 2.2-3711, 2.2-4002, 32.1-283.5, and 63.2-1606 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-283.6, relating to local and regional adult fatality review teams; penalty.

*Summary as passed House:*

**Local and regional adult fatality review teams; penalty.** Allows for the creation of local or regional adult fatality review teams upon the initiative of any local or regional law-enforcement agency, department of social services, emergency medical services agency, attorney for the Commonwealth's office, or community services board. The bill provides that such teams may review the death of any person age 60 years or older, or any adult age 18 years or older who is incapacitated, who resides in the Commonwealth and who is in need of temporary or emergency protective services (i) who was the subject of an adult protective services or law-enforcement investigation; (ii) whose death was due to abuse, neglect, or exploitation or acts suggesting abuse, neglect, or exploitation; or (iii) whose death came under the jurisdiction of or was investigated by the Office of the Chief Medical Examiner as occurring in any suspicious, unusual, or unnatural manner. A violation of the confidentiality of the review process is punishable as a Class 3 misdemeanor.

### **HB 1564 Schedule I drugs; adding several substances to list.**

An Act to amend and reenact § 54.1-3446 of the Code of Virginia, relating to Schedule I drugs.

*Summary as introduced:*

**Schedule I drugs.** Adds N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name: AB-CHMINACA), N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name: 5-fluoro-AMB), and 3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA) to Schedule I of the Drug Control Act, in accordance with the action of the Board of Pharmacy adding these substances to Schedule I pursuant to § 54.1-3443. This bill is identical to SB 1380.

**HB 1570 Child day centers and family day homes; regulations, national background check required, report.**

An Act to amend and reenact §§ 15.2-2292, 19.2-389, 19.2-392.02, 63.2-100, 63.2-1702, 63.2-1704, 63.2-1720 through 63.2-1723, 63.2-1725, and 63.2-1727 of the Code of Virginia; and to amend the Code of Virginia by adding sections numbered 63.2-1701.1, 63.2-1704.1, 63.2-1720.1, and 63.2-1721.1, relating to regulation of child care providers.

*Summary as passed:*

**Family day homes and child day centers; licensure; background checks; reporting; notice.** Requires fingerprint-based national criminal history records checks for licensed child day centers and family day homes and requires employees and volunteers of such child day centers and family day homes to notify the provider if they are convicted of a barrier crime or subject to a founded complaint of child abuse or neglect. The bill adds the offenses that require registration in the Sex Offender and Crimes Against Minors Registry to the list of barrier crimes specific to family day homes. The bill lowers from five to four the maximum number of children for whom a family day home may provide care without a license, exclusive of the provider's children and any children who reside in the home. The bill requires (i) local commissioners of the revenue or other local business license officials to report to the Department of Social Services (the Department) semiannually the contact information for any child day center or family day home to which a business license was issued; (ii) unlicensed and unregistered family day homes, other than those in which all of the children receiving care are related to the provider by blood or marriage, to provide written notice to parents stating that the family day home is not regulated by the Department and referring the parents to a website maintained by the Department for additional information; and (iii) child day centers and family day homes that contract with the Department to provide child care services that are funded by the Child Care and Development Block Grant to comply with all requirements established by federal law and regulation. The bill also requires the Department to (a) develop recommendations related to appropriate criminal and civil penalties for individuals who wrongfully operate a child day center

or family day home without a license or provide care for more children than the maximum number permitted under their license; (b) report on the requirements established in the Child Care and Development Block Grant to the Senate Committee on Rehabilitation and Social Services and the House Committee on Health, Welfare and Institutions by December 1, 2015; (c) develop and make available to child day centers and family day homes training and technical information and assistance regarding compliance with new licensure requirements established in the bill; and (d) work with certain localities authorized to regulate and license family day homes to identify and address any differences between ordinances adopted by such localities and state regulations for the licensure of family day homes. The provisions of the bill that require licensure of family day homes providing care for five or more children have a delayed effective date of July 1, 2016. The provisions of the bill that require fingerprint-based national criminal history records checks have a delayed effective date of July 1, 2017. This bill is identical to SB 1168.

**HB 1578 DNA data bank; State Police to verify receipt of samples from persons on the Sex Offender Registry.**

An Act to amend and reenact § 19.2-310.2 of the Code of Virginia, relating to DNA data bank; State Police to verify receipt of sample for persons required to register.

*Summary as introduced:*

**DNA data bank; State Police to verify receipt of samples from persons on the Sex Offender and Crimes Against Minors Registry.** Requires the Department of State Police to verify receipt of DNA samples by the Department of Forensic Science for persons required to register on the Sex Offender and Crimes Against Minors Registry. The bill also requires the State Police to obtain a DNA sample for such persons if one has not been received by the Department of Forensic Science.

**HB 1593 Parking in residential areas; localities may by ordinance permit in a public right-of-way.**

An Act to amend the Code of Virginia by adding a section numbered 15.2-968.01, relating to parking in certain residential areas.

*Summary as introduced:*

**Parking in residential areas; public right-of-way.** Provides that localities may by ordinance permit the parking of vehicles within residential areas in a public right-of-way that constitutes a part of the state highway system so long as the vehicle does not obstruct the right-of-way.

### **HB 1603 Identification cards, special; contents on DMV issued cards.**

An Act to amend and reenact § 46.2-345 of the Code of Virginia, relating to special identification cards issued by the Department of Motor Vehicles.

*Summary as passed House:*

**Special identification cards.** Allows parents or guardians when the applicant is a minor to request special identification cards issued by DMV to indicate, that the applicant (i) is an insulin-dependent diabetic, (ii) is hearing or speech impaired, or (iii) has an intellectual disability, as defined in § 37.2-100, or autism spectrum disorder, as defined in § 38.2-3418.17. Current law allows only the applicant to request a special identification card.

### **HB 1606 Private police departments; definition.**

An Act to amend and reenact §§ 2.2-3701 and 9.1-101 of the Code of Virginia, relating to private police departments.

*Summary as passed House:*

**Private police departments.** Defines "private police department" as any police department that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department. The bill provides that the authority of a private police department is limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property. The bill also provides that private police departments and private police officers shall be subject to and comply with the relevant laws and regulations governing municipal police departments and shall meet the minimum compulsory training requirements for law-enforcement officers. The bill provides further that any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department of Criminal Justice Services at that time may continue to operate as a private police department, provided that it complies with the necessary requirements. The private police departments so recognized by the Department are the Aquia Harbor Police Department, the Babcock and Wilcox Police Department, the Bridgewater Airpark Police

Department, the Carilion Police and Security Services Department, the Kings Dominion Park Police Department, the Kingsmill Police Department, the Lake Monticello Police Department, the Massanutten Police Department, and the Wintergreen Police Department. The bill contains an emergency clause. This bill is identical to SB 1217.

**HB 1607 Medicolegal death investigators; Chief Medical Examiner may appoint.**

An Act to amend the Code of Virginia by adding a section numbered 32.1-282.1, relating to per diem medicolegal death investigators.

*Summary as introduced:*

**Per diem medicolegal death investigators.** Authorizes the Chief Medical Examiner to appoint per diem medicolegal death investigators to assist the Office of the Chief Medical Examiner with medicolegal death investigations and provides that per diem medicolegal death investigators shall be agents of the Commonwealth.

**HB 1611 Assault and battery; felony when committed against certain persons.**

An Act to amend and reenact § 18.2-57 of the Code of Virginia, relating to assault and battery; location of offense.

*Summary as passed House:*

**Assault and battery against certain persons.** Amends provision making it a Class 6 felony to commit an assault or an assault and battery against judges, magistrates, law-enforcement officers, correctional officers, firefighters, emergency medical services personnel, and persons directly involved in the care, treatment, or supervision of certain inmates, juvenile offenders, and sexually violent predators when they are engaged in the performance of their public duties to state that the crime occurs regardless of where in the Commonwealth the public duties are performed. The bill provides that its provisions are declarative of existing law.

**HB 1634 Farm winery; licensees allowed to manufacture wine containing 21% or less of alcohol by volume.**

An Act to amend and reenact §§ 4.1-100 and 4.1-207 of the Code of Virginia, relating to alcoholic beverage control; alcohol by volume.

*Summary as passed House:*

**Alcoholic beverage control; alcohol by volume.** Allows farm winery licensees to manufacture wine containing 21 percent or less of alcohol by volume. Under current law, farm winery licensees may manufacture wine containing 18 percent or less of alcohol by volume. The bill also defines a farm winery to include an accredited public or private institution of higher education provided that (i) no wine manufactured by the institution shall be sold, (ii) the wine manufactured by the institution shall be used solely for research and educational purposes, (iii) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (iv) such farm winery is operated in strict conformance with these requirements and Board regulations. This bill is identical to SB 1165.

**HB 1639 DUI; persons convicted under laws of other states or federal law.**

An Act to amend and reenact §§ 18.2-271.1 and 46.2-391.01 of the Code of Virginia, relating to DUI; persons convicted under laws of other states or federal law; restricted license; ignition interlock.

*Summary as enacted with Governor's Recommendations:*

**DUI; persons convicted under laws of other states or federal law; restricted license; ignition interlock.** Provides that a person convicted in a federal court of an offense substantially similar to Virginia's DUI law may petition the general district court that he be assigned to a certified alcohol safety program and issued a restricted driver's license. Currently, only persons convicted in other states of substantially similar DUI offenses may so petition. The bill also requires that, as a condition of a restricted license, a person who has been convicted of a substantially similar DUI offense under the laws of another state or the United States be prohibited from operating a motor vehicle that is not equipped with an ignition interlock system. This bill contains an emergency clause. This bill incorporates HB 2260.

**HB 1649 Stationary refuse-collection vehicles; procedure for passing and overtaking.**

An Act to amend and reenact § 46.2-838 of the Code of Virginia, relating to passing when overtaking a stationary refuse-collection vehicle.

*Summary as introduced:*



**Passing stationary refuse collection vehicles.** Requires that, with due regard to safety and traffic conditions, drivers of motor vehicles overtaking stationary vehicles in the process of refuse collection (i) on a highway of at least four lanes, yield the right of way by a making a lane change into a nonadjacent lane or (ii) on a highway of fewer than four lanes or if changing lanes would be unreasonable or unsafe, decrease speed to 10 mph below the posted speed limit and pass at least two feet to the left of the stationary vehicle.

**HB 1662 Transportation network companies (TNCs); licensing process by DMV.**

An Act to amend and reenact §§ 46.2-694, as it is currently effective and as it may become effective, 46.2-711, 46.2-749.5, 46.2-753, 46.2-755, 46.2-1400, 46.2-2000, 46.2-2001.3, 46.2-2011.5, 46.2-2011.6, 46.2-2011.20, 46.2-2011.22, 46.2-2011.24, 46.2-2011.29, and 46.2-2051 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 20 of Title 46.2 an article numbered 15, consisting of sections numbered 46.2-2099.45 through 46.2-2099.53, relating to transportation network companies.

*Summary as passed House:*

**Transportation network companies.** Establishes a process for the licensing of transportation network companies (TNCs) by the Department of Motor Vehicles (DMV), provided that TNCs comply with the requirements for licensure. The bill requires TNCs to screen drivers (TNC partners), ensure that all drivers are at least 21 years old and properly licensed to drive, and conduct background checks on all drivers including a national criminal background check, a driving history report, and status on the state and national sex offender registries.

The bill also requires that TNC partner vehicles be titled and registered personal vehicles; be insured; have a maximum seating capacity of no more than seven persons, excluding the driver; be registered with DMV for TNC use; and display TNC and DMV identification markers. The bill further requires that TNC drivers be covered by a specific liability insurance policy and specifies the nature and limits of the insurance coverage. The bill also imposes several other operational requirements, including requirements that the TNC provide a credential to the driver and disclose information about the TNC partner and TNC policies to passengers.

The bill authorizes DMV to conduct periodic reviews of TNCs to confirm compliance and authorizes fees to cover DMV's costs of administering the program, an initial TNC license fee of \$100,000 and an annual license renewal fee of \$60,000. The bill requires DMV to review the fee structure and report by December 1, 2016. This bill is identical to SB 1025.

### **HB 1666 Firearms or ammunition for firearms; petition for permit of restoration of right to possess, venue.**

An Act to amend and reenact § 18.2-308.2 of the Code of Virginia, relating to petition for permit of restoration of right to possess firearms; venue.

*Summary as passed:*

**Firearms; restoration of rights; venue.** Permits a nonresident of the Commonwealth prohibited from possessing a firearm, ammunition, or a stun weapon because of a felony conviction or a juvenile adjudication of delinquency of certain offenses to petition the circuit court where his last felony conviction or adjudication of delinquency occurred for restoration of his right to possess, transport, or carry a firearm, ammunition, or a stun weapon. Current law does not provide for venue for a nonresident's restoration petition.

### **HB 1681 Workplace safety; employer reporting requirements.**

An Act to amend and reenact § 40.1-51.1 of the Code of Virginia, relating to workplace safety; employer reporting requirements.

*Summary as introduced:*

**Workplace safety; employer reporting requirements.** Requires employers to notify the Virginia Department of Labor and Industry of any work-related hospitalization, amputation, or loss of an eye. Existing law requires employers to report hospitalizations involving three or more employees and does not specifically address reporting an amputation or enucleation.

### **HB 1694 Temporary detention order; custody.**

An Act to amend and reenact §§ 16.1-340.1:1 and 37.2-809.1 of the Code of Virginia, relating to temporary detention order; custody.

*Summary as passed House:*

**Temporary detention order; custody.** Removes the requirement that a person subject to a temporary detention order remain in the custody of the community services board for the duration of the order. This requirement was in conflict with other Code sections that require that such person remain in the custody of law enforcement until custody is transferred to a facility or to an alternative transportation provider. This bill is identical to SB 966.

### **HB 1700 Motorcycles and autocycles; relating to brake lights.**

An Act to amend and reenact § 46.2-1012 of the Code of Virginia, relating to lights on motorcycles and autocycles.

*Summary as passed House:*

**Brake lights on motorcycles and autocycles.** Repeals the five-second maximum duration of increased brightness of motorcycle and autocycle brake lights when the vehicle's brakes are applied.

### **HB 1702 Firearms; transfer, etc., from licensed dealer.**

An Act to amend and reenact § 18.2-308.2:2 of the Code of Virginia, relating to transfer, etc., of firearms from licensed dealer; criminal history record information; penalty.

*Summary as passed:*

**Transfer, etc., of firearms from licensed dealer; criminal history record information.** Provides that a licensed firearms dealer may perform a criminal history record information check before selling, renting, trading, or transferring any firearm owned by the dealer that is not in his inventory. Current law requires that a dealer perform such a check only if the firearm is from the dealer's inventory.

### **HB 1718 Private investigators or personal protection specialist; independent contractors.**

An Act to amend and reenact §§ 9.1-139 and 9.1-144 of the Code of Virginia, relating to private investigators; personal protection specialists; independent contractors; insurance.

*Summary as passed House:*

**Private investigators; personal protection specialist; independent contractors.** Allows a licensed private security services business to hire as an independent contractor a personal protection specialist or private investigator who has been issued a registration by the Department of Criminal Justice Services. The bill also requires such independent contractors to maintain comprehensive general liability insurance.

**HB 1738 Hospices; notice to dispenser of patient's death within 48 hours.**

An Act to amend the Code of Virginia by adding a section numbered 32.1-162.5:1, relating to hospices; notice to dispenser of hospice patient's death.

*Summary as passed House:*

**Hospices; notice of patient's death to dispenser.** Requires every hospice licensed by the Department of Health or exempt from licensure pursuant to § 32.1-162.2 with a hospice patient residing at home at the time of death to notify every pharmacy that has dispensed partial quantities of a Schedule II controlled substance for a patient with a medical diagnosis documenting a terminal illness, as authorized by federal law, within 48 hours of the patient's death.

**HB 1748 Accidents; reports maintained by DMV.**

An Act to amend and reenact § 46.2-380 of the Code of Virginia, relating to accident reports maintained by the Department of Motor Vehicles.

*Summary as introduced:*

**Accident reports maintained by DMV.** Grants next of kin of any person injured or killed in an accident, except for minors, access to reports of the accident maintained by DMV. Access to reports of accidents involving a minor is only available to the minor's parent or guardian.

**HB 1764 Criminal history record information; dissemination, etc., civil actions.**

An Act to amend the Code of Virginia by adding a section numbered 8.01-40.3, relating to the dissemination, etc., of criminal history record information; civil actions.

*Summary as passed:*

**Dissemination, etc., of criminal history record; civil action.** Provides that a person who disseminates, publishes, or maintains or causes to be disseminated, published, or maintained the criminal history record information of an individual pertaining to that individual's charge or arrest for a criminal offense and solicits, requests, or accepts money or other thing of value for removing such criminal history record information shall be liable to the individual who is the subject of the information for actual damages or \$500, whichever is greater, in addition to reasonable attorney fees and costs. The bill specifies that liability is not imposed on an

interactive computer service for content provided by another person or for any speech protected by Article I, Section 12 of the Constitution of Virginia.

### **HB 1785 Campus police departments; sexual assault reporting.**

An Act to amend and reenact § 23-234 of the Code of Virginia, relating to campus police departments; memorandums of understanding; sexual assaults; reporting to local attorney for the Commonwealth.

*Summary as passed:*

**Campus police departments; sexual assault reporting.** Requires that mutual aid agreements between a campus police force and a law-enforcement agency contain provisions requiring either the campus police force or the agency with which it has established a mutual aid agreement to notify the local attorney for the Commonwealth within 48 hours of beginning any investigation involving felony criminal sexual assault occurring on campus property or other property related to the institution of higher education. The bill also requires institutions of higher education that have security departments instead of campus police forces to enter into a memorandum of understanding with a law-enforcement agency and such memorandum of understanding shall contain similar provisions requiring reports to the local attorney for the Commonwealth.

### **HB 1790 State agency or official; prohibition on payments without an appropriation, prohibition on IOUs.**

An Act to amend the Code of Virginia by adding a section numbered 2.2-4350.1, relating to payment by the Commonwealth and its agencies for goods and services; debts.

*Summary as passed House:*

**Prohibition on payments without an appropriation; prohibition on IOUs.** Prohibits a state agency or official from attempting, guaranteeing, or purporting to pay for a good or service or a debt unless the General Assembly has appropriated funds, or funds are otherwise lawfully available, to pay the same. The prohibition on payment does not apply to payments required by federal law. The bill also prohibits a state agency or official from furnishing an IOU in exchange for any good or service, as a means to pay for any good or service, or in lieu of a payment on a debt.



## **HB 1807 Cigarettes; possession with intent to distribute contraband, fraudulent purchase.**

An Act to amend and reenact § 58.1-1017.1 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 10 of Title 58.1 a section numbered 58.1-1017.3, relating to cigarettes; contraband; fraudulent purchase; penalties.

*Summary as passed:*

**Cigarettes; possession with intent to distribute contraband; fraudulent purchase; penalties.** Lowers the felony threshold for possession with intent to distribute tax-paid cigarettes from 500 cartons to 200 cartons and creates a criminal offense and civil penalties for purchasing cigarettes using a forged business license, a forged or invalid Virginia sales and use tax exemption certificate, or a business license or sales and use tax exemption certificate obtained under false pretenses. This bill is a recommendation of the Virginia State Crime Commission and is identical to SB 1231.

## **HB 1808 Missing persons; search and rescue.**

An Act to amend and reenact §§ 9.1-102 and 44-146.18 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-1718.2, relating to missing persons; search and rescue.

*Summary as passed House:*

**Missing persons; search and rescue.** Provides that no local law-enforcement agency shall establish or maintain any policy that requires a waiting period before accepting a critically missing adult report and requires a local law-enforcement agency that receives such a report to initiate an investigation of the case within two hours of receipt. The bill defines a critically missing adult as any missing adult 21 years of age or older whose disappearance indicates a credible threat to the health and safety of the adult as determined by a law-enforcement agency and under such other circumstances as deemed appropriate after consideration of all known circumstances. The bill requires the Department of Criminal Justice Services to establish training standards and publish a model policy for missing children, missing adults, and search and rescue protocol. The bill also requires the Department of Emergency Management to establish a Coordinator of Search and Rescue. This bill is a recommendation of the Virginia State Crime Commission and is identical to SB 1184.

### **HB 1810 Prescription Monitoring Program; civil subpoenas.**

An Act to amend and reenact § 54.1-2523 of the Code of Virginia, relating to Prescription Monitoring Program; subpoenas.

*Summary as passed:*

**Prescription Monitoring Program; subpoenas.** Provides that records in possession of the Prescription Monitoring Program shall not be available for civil subpoena, nor shall such records be disclosed, discoverable, or compelled to be produced in any civil proceeding, nor shall such records be deemed admissible as evidence in any civil proceeding for any reason.

### **HB 1824 Motor Vehicles, Department of; unlawful provision of examination answers.**

An Act to amend and reenact § 46.2-105.1 of the Code of Virginia, relating to unlawful provision of examination answers.

*Summary as passed House:*

**Unlawful provision of driver's license examination answers.** Provides that it is a Class 2 misdemeanor for a person to communicate by any means to a person taking an examination, during the examination, any information purporting to be answers to questions intended to be used by the Department of Motor Vehicles in conducting an examination. Under current law, it is unlawful to receive or furnish written or printed material purporting to be answers to such questions.

### **HB 1833 Naloxone; administration by law-enforcement officers.**

An Act to amend and reenact §§ 8.01-225 and 54.1-3408 of the Code of Virginia, relating to prescription, distribution, and administration of naloxone or other opioid antagonist.

*Summary as enacted with Governor's Recommendations:*

**Naloxone; administration in cases of opiate overdose.** Provides that a pharmacist may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, that a person may possess and administer naloxone or other opioid antagonist used for

overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opiate overdose, and that firefighters and law-enforcement officers who have completed a training program may possess and administer naloxone in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. The bill also provides that a person who in good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opioid overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of § 54.1-3408 or in his role as a member of an emergency medical services agency. The bill contains an emergency clause. This bill is identical to HB 1458 and SB 1186.

### **HB 1835 Virginia Public Procurement Act (VPPA); methods of procurement.**

An Act to amend and reenact §§ 2.2-2012, 2.2-4301, 2.2-4302.2, 2.2-4303, 2.2-4304, 2.2-4343, 23-38.110, and 33.2-283 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.2-4303.1 and 2.2-4303.2, relating to the Virginia Public Procurement Act; methods of procurement; job order contracting and cooperative procurement.

*Summary as passed:*

**Virginia Public Procurement Act (VPPA); methods of procurement; job order contracting and cooperative procurement.** Clarifies that small purchase procedures include the procurement of non-transportation-related construction and that any such procedures shall not waive compliance with the Uniform State Building Code. The bill adds independent agencies of the Commonwealth to the definition of public body under the VPPA. The bill also increases contract amounts for job order contracting and provides that (i) order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed is prohibited; (ii) no public body shall issue or use a job order, under a job order contract, solely for the purpose of receiving professional architectural or engineering services that constitute the practice of architecture or the practice of engineering as those terms are defined in § 54.1-400; however, professional architectural or engineering services may be included on a job order where such professional services are (a) incidental and directly related to the job, (b) do not exceed \$25,000 per job order, and (c) do not exceed \$75,000 per contract term; and (iii) job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. The bill clarifies the provisions of the VPPA relating to cooperative



procurement and requires that by October 1, 2017, the Department of Small Business and Supplier Diversity, public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005, any state agency utilizing job order contracting, and the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing, on behalf of local public bodies, working cooperatively, report their respective experiences and findings relating to the appropriateness and effectiveness of job order contracting in general, the job order project cost limitations as added by this bill, and the architectural and professional engineering term contract limits to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology. The bill also requires, for construction projects in excess of \$2 million, that a public body, including public institutions of higher education, provide its justification for use of any procurement method other than competitive sealed bidding to the Director of the Department of General Services. The bill requires the State Corporation Commission (SCC) to develop a process for the administrative review of its procurement decisions that is consistent with the Constitution of Virginia. The bill further provides that its provisions shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by the bill, shall apply to any renewal of a job order contract. The bill contains numerous technical amendments and is a recommendation of the General Laws Special Joint Subcommittee Studying the Virginia Public Procurement Act. This bill is identical to SB 1371.

### **HB 1839 Controlled substances; scheduling.**

An Act to amend and reenact §§ 54.1-3450 and 54.1-3452 of the Code of Virginia, relating to scheduling of certain controlled substances.

*Summary as introduced:*

**Scheduling of certain controlled substances.** Removes hydrocodone combination products from Schedule III and classifies alfaxalone, suvorexant, and tramadol as Schedule IV controlled substances.

### **HB 1841 Prescription Monitoring Program; requirements for dispensers.**

An Act to amend and reenact § 54.1-2522.1, as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-2522.2, relating to the Prescription Monitoring Program; requirements for dispensers.

*Summary as passed House:*

**Prescription Monitoring Program; requirements for dispensers.** Requires the Department of Health Professions to register every dispenser licensed by the Board of Pharmacy with the Prescription Monitoring Program and eliminates the requirement that such registration occur upon filing of an application for licensure or renewal of a license. The bill also limits the requirement that a prescriber who prescribes benzodiazepine or an opiate request information from the Director of the Department of Health Professions to determine what other covered substances are currently prescribed to a patient in cases in which the course of treatment is anticipated at the onset of treatment to last more than 90 days. The provisions of the bill relating to registration of dispensers become effective on January 1, 2016.

**HB 1859 Breaks Interstate Park Commission; employees being commissioned as conservation officers.**

An Act to amend and reenact §§ 10.1-115 through 10.1-119 of the Code of Virginia and to amend the Code of Virginia by adding in Article 4 of Chapter 1 of Title 10.1 a section numbered 10.1-120, relating to conservation officers; Breaks Interstate Park.

*Summary as introduced:*

**Conservation officers; Breaks Interstate Park.** Establishes qualifications and procedures for the commissioning as conservation officers of employees of Breaks Interstate Park, a park located in both Kentucky and Virginia and administered by the Breaks Interstate Park Commission. The bill gives all conservation officers jurisdiction over Virginia portions of the park, with the agreement of the Commission, and obligates conservation officers to uphold the rules and regulations of the Commission. This bill is identical to SB 858.

**HB 1882 Writ of actual innocence; bail hearings.**

An Act to amend and reenact § 17.1-513 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 19.2-327.2:1 and 19.2-327.10:1, relating to petition for writ of actual innocence; bail hearing.

*Summary as introduced:*

**Writ of actual innocence; bail hearings.** Provides that when the Attorney General joins in a petition for a writ of actual innocence, the petitioner may move the circuit court that entered the felony conviction for a bail hearing.

## **HB 1890 Virginia Retirement System; purchase of service credit for prior service.**

An Act to amend and reenact §§ 51.1-142.2 and 51.1-142.3 of the Code of Virginia, relating to the Virginia Retirement System; prior service or membership credit.

*Summary as passed:*

**Virginia Retirement System; purchase of service credit for prior service.** Makes numerous changes to the purchase of service credit program to simplify it and make it more cost-neutral to the Retirement System fund and more in line with other states' programs. The bill has a delayed effective date of January 1, 2017.

## **HB 1908 Alcoholic beverage control; adds powdered or crystalline alcohol, penalty.**

An Act to amend and reenact §§ 4.1-100 and 4.1-103 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 4.1-302.2, relating to alcoholic beverage control; powdered or crystalline alcohol; penalty.

*Summary as passed House:*

**Alcoholic beverage control; powdered or crystalline alcohol; penalty.** Adds powdered or crystalline alcohol to the definition of alcoholic beverages, prohibits containers sold in or shipped into the Commonwealth from including powdered or crystalline alcohol, and creates a Class 1 misdemeanor for anyone who purchases, possesses, offers for sale or use, sells, or uses a powdered or crystalline alcohol product. This bill is identical to SB 1034.

## **HB 1927 Criminal cases; venue for prosecution.**

An Act to amend and reenact §§ 19.2-244 and 19.2-247 of the Code of Virginia, relating to venue in criminal cases.

*Summary as passed:*

**Venue in criminal cases.** Provides that if it cannot readily be determined where a crime was committed in the Commonwealth, venue for the prosecution of the crime may be had in any county or city (i) in which the defendant resides or (ii) in which the defendant is apprehended if he is a nonresident. The bill also provides that venue for offenses related to a homicide offense may be had in the same county or city as venue for the homicide offense. The bill further

provides that venue for homicide offenses may be had in any county or city where any part of the victim's body is found.

### **HB 1928 DNA; analysis upon conviction of certain misdemeanors.**

An Act to amend and reenact §§ 19.2-310.2 and 19.2-310.7 of the Code of Virginia, relating to DNA analysis upon conviction of certain misdemeanors.

*Summary as passed:*

**DNA analysis upon conviction of certain misdemeanors.** The bill adds misdemeanor violations of §§ 16.1-253.2 (violation of a protective order), 18.2-60.3 (stalking), 18.2-60.4 (violation of a stalking protective order), 18.2-67.4:1 (infected sexual battery), 18.2-102 (unauthorized use of animal, aircraft, vehicle, or boat valued at less than \$200), 18.2-121 (entering property of another for purpose of damaging it), 18.2-387 (indecent exposure), 18.2-387.1 (obscene sexual display), and 18.2-479.1 (resisting arrest) to the list of offenses for which an adult convicted of such offense must have a sample of his blood, saliva, or tissue taken for DNA analysis. Under current law, a sample is taken for DNA analysis from adults convicted of only five misdemeanor sex offenses: (i) § 18.2-67.4 (sexual battery), (ii) § 18.2-67.4:2 (sexual abuse of a child 13 years of age or older but under 15), (iii) § 18.2-67.5 (attempted sexual battery), (iv) § 18.2-130 (peeping), or (v) § 18.2-370.6 (penetrating the mouth of a child under 13 with the tongue). The bill also increases the fee collected for the withdrawal of the DNA sample from \$25 to \$53. The provisions of the bill apply only to persons convicted on or after July 1, 2015. This bill is identical to SB 1187.

### **HB 1930 Higher educational institutions; review committees, reporting of acts of sexual violence, report.**

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 23 sections numbered 23-9.2:15, 23-9.2:16, and 23-9.2:17, relating to institutions of higher education; reporting of acts of sexual violence; memoranda of understanding; policy review.

*Summary as enacted with Governor's Recommendations:*

**Institutions of higher education; reporting acts of sexual violence.** Requires any responsible employee of a public or private nonprofit institution of higher education who in the course of his employment obtains information that an act of sexual violence has been committed against a student or on campus property or other property related to the institution to

report such information to the Title IX coordinator for the institution as soon as practicable. The bill requires the Title IX coordinator to report such information to a review committee, which shall meet within 72 hours of the receipt of information of an alleged act of sexual violence and which shall include the Title IX coordinator, a representative of law enforcement, and a student affairs representative. If the review committee determines that disclosure of the information regarding the alleged act of sexual violence is necessary to protect the health and safety of the victim or other individuals, the representative of law enforcement on the review committee shall disclose the information, including personally identifiable information, to the law-enforcement agency responsible for investigating the alleged act. In cases involving a felony sexual assault, the representative of law enforcement on the review committee, or in certain situations, another committee member, shall consult with the local attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged act of sexual violence.

The bill requires the governing board of each public or private nonprofit institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies to provide victims with information on contacting such center or service. The bill requires each public or private nonprofit institution of higher education to annually certify to the State Council of Higher Education for Virginia that it has reviewed its sexual violence policy. Finally, the bill requires the Department of Criminal Justice Services to monitor the impact the legislation will have on the workload of local victim witness programs and report its findings to the Chairmen of the House and Senate Committees for Courts of Justice by October 1, 2016. This bill is identical to SB 712.

#### **HB 1946 Administrative subpoenas; electronic communication services.**

An Act to amend and reenact § 19.2-10.2 of the Code of Virginia, relating to administrative subpoenas; electronic communication service or remote computing service; sealing.

*Summary as passed:*

**Administrative subpoenas; electronic communication services nondisclosure of subpoena.** Authorizes the Attorney General, as attorneys for the Commonwealth are currently authorized, to issue administrative subpoenas to obtain certain records and other information from electronic communication service and remote computing service providers if relevant to a law-enforcement investigation of certain pornography, abduction, and prostitution crimes. The bill requires such subpoenas to contain a provision ordering the service provider not to notify or disclose the existence of the subpoena to another person, other than an attorney to obtain legal

advice, for a period of 30 days after the date on which the service provider responds to the subpoena if the attorney for the Commonwealth or Attorney General makes written certification that there is reason to believe that the victim is under the age of 18 and that the disclosure of the existence of the subpoena will endanger the ! life or physical safety of an individual; lead to flight from prosecution, the destruction of or tampering with evidence, or the intimidation of potential witnesses; or otherwise seriously jeopardize an investigation. This bill is identical to SB 919.

### **HB 1955 Cigarette laws; administration and enforcement.**

An Act to amend and reenact §§ 58.1-1000 and 58.1-1007 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-4206.01, relating to authorized holders of cigarettes.

*Summary as enacted with Governor's Recommendations:*

**Administration and enforcement of cigarette laws.** Modifies several provisions relating to the administration and enforcement of Virginia's cigarette laws by prohibiting persons convicted of certain offenses from being authorized holders, requiring the Office of the Attorney General to place on its website a list of individuals ineligible to be an authorized holder, and authorizing additional entities to audit and inspect records of persons receiving, storing, selling, handling, or transporting cigarettes. This bill is a recommendation of the Virginia State Crime Commission and is identical to SB 1232.

### **HB 1957 Juvenile records; DMV information released to certain persons.**

An Act to amend and reenact § 46.2-383 of the Code of Virginia, relating to Department of Motor Vehicles; juvenile records.

*Summary as passed House:*

**Juvenile records; Department of Motor Vehicles.** Provides that Department of Motor Vehicles information on juvenile offenses that do not involve the operation of a motor vehicle shall be available only to the person himself, his parent or guardian, law-enforcement officers, attorneys for the Commonwealth, and courts. This bill is a recommendation of the Virginia State Crime Commission.

### **HB 1961 DGIF; reciprocal law-enforcement agreements.**

An Act to amend and reenact § 29.1-109 of the Code of Virginia, relating to Director of Department of Game and Inland Fisheries; law-enforcement agreements with other states.

*Summary as introduced:*

**Reciprocal law-enforcement agreements.** Authorizes the Director of the Department of Game and Inland Fisheries to enter into agreements with other states to enforce hunting, fishing, and trapping laws across state boundaries.

### **HB 1964 Commercial sex trafficking; penalties.**

An Act to amend and reenact §§ 9.1-902, 17.1-805, 18.2-46.1, 18.2-356, 18.2-357, 18.2-513, 19.2-215.1, and 19.2-386.35 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-357.1, relating to commercial sex trafficking; penalties.

*Summary as passed:*

**Commercial sex trafficking; penalties.** Creates new felonies for trafficking of persons for commercial sexual activity. The bill provides that any person who solicits, invites, recruits, encourages, or otherwise causes or attempts to cause a person to engage in prostitution with the intent to receive money or other valuable thing or to assist another in receiving money or other valuable thing from the earnings of the solicited person from an act of prostitution is guilty of a Class 5 felony. Felonies are increased if such behavior is done by an adult and the person solicited is a minor (Class 3 felony) and if force, intimidation, or deception is used against the person solicited (Class 4 felony). The new crime was added to the definition of violent felony for the purposes of the sentencing guidelines, predicate criminal acts for street gangs, the Virginia Racketeer Influence and Corrupt Organization Act, multijurisdiction grand jury, and asset forfeiture and, if a minor is solicited, the Sex Offender Registry. The bill also amends two existing Code sections on receiving money for procuring a person for prostitution and receiving money from the earnings of a person engaged in prostitution to increase penalties if the crime involves a minor. This bill is identical to SB 1188.

### **HB 2035 Lynchburg, City of; establishment of an airport police department at Lynchburg Regional Airport.**

An Act to allow the City of Lynchburg to establish an airport police department at the Lynchburg Regional Airport.



*Summary as passed House:*

**Airport police department; Lynchburg Regional Airport.** Allows the City of Lynchburg by ordinance to establish an airport police department at the Lynchburg Regional Airport. The authority of the airport police department shall be limited to real property owned, leased, or controlled by the Airport. Such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police department or sheriff's office. The airport police department and airport police officers shall be subject to and comply with the United States Constitution, the Constitution of Virginia, the laws governing municipal police departments, and any regulations adopted by the Criminal Justice Services Board that the Department of Criminal Justice Services designates as applicable to private police departments. Any person employed as an airport police officer pursuant to this act shall meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1 of the Code of Virginia.

**HB 2036 Nicotine Vapor products; prohibits purchase, etc., by minors, packaging, civil penalty.**

An Act to amend and reenact § 18.2-371.2 of the Code of Virginia and to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 23.2, consisting of sections numbered 59.1-293.10 and 59.1-293.11, relating to purchase, etc., of tobacco products by minors; liquid nicotine packaging; penalty.

*Summary as enacted with Governor's Recommendations:*

**Purchase, etc., of tobacco products by minors; liquid nicotine packaging; penalty.** Provides that no person shall sell or distribute at retail a liquid nicotine container on or after October 1, 2015, unless the container is packaged in child-resistant packaging. The bill allows existing inventory to be sold until January 1, 2016. Any person who violates the child-resistant packaging requirements is guilty of a Class 4 misdemeanor. The bill also provides that any adult may sign for tobacco products, nicotine vapor products, or alternative nicotine products purchased through mail order or the Internet. Current law requires the signature of the purchaser. This bill is identical to SB 1325.

**HB 2038 Commercial motor carriers; amends several commercial drivers' licensing laws.**



An Act to amend and reenact §§ 46.2-324.1, 46.2-341.4, 46.2-341.7, 46.2-341.8, 46.2-341.9, 46.2-341.10, 46.2-341.12, 46.2-341.14, 46.2-341.14:1, 46.2-341.15, 46.2-341.16, 46.2-341.18:3, 46.2-341.20, 46.2-341.20:4, 46.2-348, 46.2-2011.29, 46.2-2139, 46.2-2900, 46.2-2906, 46.2-2907, and 52-8.4 of the Code of Virginia and to amend the Code of Virginia by adding in Article 3 of Chapter 6 of Title 46.2 sections numbered 46.2-649.3 and 46.2-649.4, relating to commercial motor vehicle operators.

*Summary as passed House:*

**Commercial motor carriers.** Amends several motor carrier and commercial drivers' licensing laws, bringing Virginia into compliance with Federal Motor Carrier Safety Regulations amendments regarding commercial motor vehicles and exemptions regarding certain farm vehicles and their drivers. The bill lowers the age of eligibility for an escort vehicle driver certification from 21 to 18 years. The bill also authorizes two additional circumstances in which law enforcement may remove for-hire license plates: where the carrier's operating authority has expired and where the plates are being used on a leased vehicle, and the bill makes all license plate removal optional at the discretion of the law-enforcement officer.

#### **HB 2040 Prostitution, pandering, etc.; violation of certain provisions is punishable.**

An Act to amend and reenact § 18.2-355 of the Code of Virginia, relating to pandering; minors.

*Summary as passed:*

**Pandering; minors; penalty.** Increases from a Class 4 felony to a Class 3 felony the penalty for pandering involving a minor.

#### **HB 2043 Incarcerated persons; transfer to U.S. Immigration and Customs Enforcement.**

An Act to amend the Code of Virginia by adding in Chapter 10 of Title 53.1 a section numbered 53.1-220.2, relating to transfer of incarcerated persons to Immigration and Customs Enforcement.

*Summary as passed:*

**Inmates; U.S. Immigration and Customs Enforcement; detainers.** Allows the custodian of a state or local inmate to transfer custody of an incarcerated alien to U.S. Immigration and Customs Enforcement no more than five days before the date on which such inmate would

otherwise be released if the custodian receives a detainer from U.S. Immigration and Customs Enforcement. The bill requires that, upon such transfer of custody, the alien receive credit for the number of days remaining before he would otherwise have been released. This bill is identical to SB 1361.

**HB 2049 Preliminary hearing; certification of ancillary misdemeanor offenses.**

An Act to amend the Code of Virginia by adding in Chapter 12 of Title 19.2 a section numbered 19.2-190.1, relating to preliminary hearing; certification of ancillary misdemeanor offenses.

*Summary as passed House:*

**Preliminary hearing; certification of ancillary misdemeanor offenses.** Provides that if, pursuant to a preliminary hearing, a district court certifies felony offenses to be tried in a circuit court, the court shall also certify any ancillary misdemeanor offense for trial in circuit court if the accused and the attorney for the Commonwealth consent to such certification.

**HB 2070 Conflicts of Interests Act, State & Local Gov't & General Assembly, etc.; ethics reforms.**

An Act to amend and reenact §§ 2.2-115, 2.2-206.2, 2.2-419, 2.2-420, 2.2-424, 2.2-426, 2.2-430, 2.2-431, 2.2-3101, 2.2-3103.1, 2.2-3104, 2.2-3104.01, 2.2-3106, 2.2-3114 through 2.2-3118, 2.2-3121, 2.2-3124, 30-101, 30-103.1, 30-110, 30-111, 30-124, 30-126, 30-355, 30-356, and 30-357 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-3103.2, by adding in Article 2 of Chapter 13 of Title 30 a section numbered 30-103.2, and by adding a section numbered 30-356.1, relating to the State and Local Government Conflict of Interests Act, the General Assembly Conflicts of Interests Act, and the Virginia Conflict of Interest and Ethics Advisory Council; certain gifts prohibited; approvals required for certain travel.

*Summary as enacted with Governor's Recommendations:*

**State and Local Government Conflict of Interests Act, General Assembly Conflicts of Interests Act, and Virginia Conflict of Interest and Ethics Advisory Council; certain gifts prohibited; approvals required for certain travel.** Removes the distinction between tangible and intangible gifts and prohibits any state or local officer or employee, member of the General Assembly, and certain candidates from soliciting, accepting, or receiving within any calendar year a single gift with a value exceeding \$100 or a combination of gifts with a value exceeding

\$100 from certain persons; however, such prohibition does not apply to gifts from personal friends. The bill also prohibits the immediate family of such officers, employees, members, or candidates from soliciting, accepting, or receiving such gifts. The bill provides an exception for gifts received at widely attended events, which are those events at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event. The bill requires disclosure of any single gift or entertainment, or any combination of gifts or entertainment, with a value exceeding \$50. The bill also requires persons subject to the Conflict of Interest Acts to request approval from the Virginia Conflict of Interest and Ethics Advisory Council (the Council) and receive the approval of the Council prior to accepting or receiving any travel-related transportation, lodging, meal, hospitality, or other thing of value provided by certain third parties that has a value exceeding \$100. The bill modifies the current composition of the Council, reducing the number of members from 15 to 9 and requires that there be bipartisan balance of the General Assembly members appointed to the Council. The bill requires electronic filing of disclosure forms with the Council and provides that local officers and employees will file disclosure forms locally instead of with the Council. The bill provides that the making of a knowing and intentional false statement on a disclosure form is punishable as a Class 5 felony. The bill also prohibits the Governor, his campaign committee, and any political action committee established on his behalf from knowingly soliciting or accepting a contribution, gift, or other item with a value greater than \$100 from persons and entities seeking loans or grants from the Commonwealth's Development Opportunity Fund (the Fund), restricts such gifts and contributions from persons and entities seeking loans or grants from the Fund, and provides that any violation shall result in a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater. The bill has a delayed effective date of January 1, 2016, except the provisions of the bill related to the Council and its duties become effective July 1, 2015. This bill incorporates HB 1598, HB 1667, HB 1689, HB 1919, HB 1947, and HB 2060 and is identical to SB 1424.

**HB 2072 Forest products; establishes overweight permit for hauling.**

An Act to amend the Code of Virginia by adding a section numbered 46.2-1148.1, relating to overweight permits for hauling forest products.

*Summary as passed House:*

**Overweight permits; forest products.** Establishes an overweight permit for hauling forest products and provides for the weight limits and the fee of \$130 for the permit. This bill is identical to SB 989.

**HB 2081 Employers; disclosure of social media account information.**

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:5, relating to prohibitions on an employer's requiring employees to disclose usernames or passwords for social media accounts; access to social media account.

*Summary as passed:*

**Employers; disclosure of social media account information.** Prohibits an employer from requiring a current or prospective employee to disclose the username and password to his social media account. The measure also prohibits an employer from requiring an employee to add an employee, a supervisor, or an administrator to the list of contacts associated with the employee's social media account.

**HB 2082 Emergency care; forcible entry of motor vehicle to remove a minor.**

An Act to amend and reenact § 8.01-225 of the Code of Virginia, relating to civil immunity for rendering emergency care; forcible entry of motor vehicle.

*Summary as passed House:*

**Civil immunity for rendering emergency care; forcible entry of motor vehicle to remove a minor.** Provides that the civil immunity granted for rendering emergency care or assistance includes the forcible entry of a motor vehicle to remove an unattended minor at risk of serious bodily injury or death, provided the person has attempted to contact a law-enforcement officer, a firefighter, emergency medical services personnel, or an emergency 911 system prior to such entry, if feasible under the circumstances.

**HB 2092 Sexual and Domestic Violence, Advisory Committee on; established.**

An Act to amend and reenact § 9.1-102 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 9.1 sections numbered 9.1-116.2 and 9.1-116.3, relating to powers and duties of the Department of Criminal Justice Services; committees related to sexual and domestic violence.

*Summary as passed House:*

**Sexual and domestic violence; establishment of committees.** Establishes the Virginia Sexual and Domestic Violence Program Professional Standards Committee and requires the Department of Criminal Justice Services to administer its activities by providing technical assistance and administrative support. This Committee is tasked with establishing voluntary accreditation standards and procedures by which local sexual and domestic violence programs can be systematically measured and evaluated with a peer-reviewed process. An Advisory Committee on Sexual and Domestic Violence is also established and has the responsibility for advising and assisting state and local entities on matters related to the prevention and reduction of sexual and domestic violence and to promote the efficient administration of grant funds. This bill incorporates HB 1954, is identical to SB 1094, and is a recommendation of the Virginia State Crime Commission.

**HB 2112 DCJS; eliminates requirement for training standards for undercover work.**

An Act to amend and reenact § 9.1-102 of the Code of Virginia, relating to the Department of Criminal Justice Services; training standards for undercover work.

*Summary as introduced:*

**DCJS; training standards for undercover work.** Eliminates the requirement that the Department of Criminal Justice Services (DCJS) establish compulsory training courses for law-enforcement officers who have not completed the compulsory minimum training standards prior to assigning any such officer to undercover investigation work. Such training is not offered by criminal justice training academies due to liability and officer safety issues.

**HB 2120 Strangulation; admission to bail, alleged victim is a family or household member.**

An Act to amend and reenact § 19.2-120 of the Code of Virginia, relating to admission to bail; strangulation.

*Summary as passed:*

**Admission to bail; strangulation.** Adds strangulation where the alleged victim is a family or household member to the list of crimes charged for which there is a rebuttable presumption against admission to bail.

### **HB 2125 Use of unmanned aircraft systems; search warrant required.**

An Act to amend the Code of Virginia by adding in Chapter 5 of Title 19.2 a section numbered 19.2-60.1, relating to use of unmanned aircraft systems by public bodies; search warrant required.

*Summary as passed:*

**Use of unmanned aircraft systems by public bodies; search warrant required.** Replaces the moratorium currently set to expire on July 1, 2015, on the use of unmanned aircraft systems by state and local law-enforcement and regulatory entities, except in defined emergency situations or in training exercises related to such situations, with an absolute prohibition on the use of unmanned aircraft systems by such law-enforcement and regulatory entities unless a search warrant has been obtained prior to such use. The warrant requirement does not apply to (i) utilization of such systems to support the Commonwealth for purposes other than law enforcement; (ii) certain search and rescue operations; (iii) certain Virginia National Guard and United States Armed Forces functions; (iv) research and development conducted by institutions of higher education or other research organizations; or (v) the use of unmanned aircraft systems for private, commercial, or recreational use.

### **HB 2183 Designating the Trooper Andrew Fox Memorial Bridge.**

An Act to designate New River Bridge on Interstate 81 the "Trooper Andrew Fox Memorial Bridge."

*Summary as introduced:*

**Designating the Trooper Andrew Fox Memorial Bridge.** Designates the New River Bridge on Interstate 81 in Montgomery and Pulaski Counties the "Trooper Andrew Fox Memorial Bridge." This bill is identical to SB 753.

### **HB 2184 Salvage, nonrepairable, and rebuilt vehicles; requirements and practices of certain dealers.**

An Act to amend and reenact §§ 46.2-1600, 46.2-1601, 46.2-1602, 46.2-1603.2, 46.2-1605, 46.2-1608, and 46.2-1608.2 of the Code of Virginia, relating to salvage, nonrepairable, and rebuilt vehicles; penalty.

*Summary as passed:*

**Salvage and rebuilt vehicles; penalty.** Enhances and clarifies certain requirements and practices relating to the licensing and activities of vehicle demolishers, rebuilders, salvage dealers, salvage pools, scrap metal processors, and vehicle removal operators. This bill is identical to SB 1259.

### **HB 2204 Line of Duty Act; codifying revisions to the Act.**

An Act to amend and reenact §§ 9.1-400, 9.1-401, 9.1-402 through 9.1-405, and 9.1-407 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 9.1-400.1 and by adding in Article 3.1 of Chapter 1 of Title 51.1 a section numbered 51.1-124.37, and to repeal § 9.1-406 of the Code of Virginia, relating to benefits for certain public employees disabled in the line of duty and their families, and for the families and beneficiaries of such employees who die in the line of duty.

*Summary as passed House:*

**Line of Duty Act.** Revises the Line of Duty Act (the Act) by codifying revisions to the Act in the appropriation act, transferring overall administration of the Act to the Virginia Retirement System (VRS), transferring administration of health insurance benefits under the Act to the Department of Human Resource Management (DHRM), and providing for an administrative appeal process. The bill also directs VRS and DHRM, with the input of all stakeholders, to develop proposals on how to improve the Act and ensure its long-term fiscal viability. Except for the development of proposals by VRS and DHRM, the bill becomes effective July 1, 2016, and only if reenacted by the 2016 Session of the General Assembly.

### **HB 2206 Conservators of the peace, special; application for appointment.**

An Act to amend and reenact §§ 9.1-150.2, 15.2-1748, and 19.2-13 of the Code of Virginia, relating to special conservators of the peace; training; registration; etc.

*Summary as enacted with Governor's Recommendations:*

**Special conservators of the peace; training, orders of appointment, registration, etc.** Makes various changes to the laws providing for the appointment of special conservators of the peace, including (i) requiring the Criminal Justice Services Board to adopt regulations establishing compulsory training standards of 98 hours for unarmed special conservators of the peace and 130 hours for armed special conservators of the peace; (ii) specifying that the court retains jurisdiction over the special conservator of the peace's appointment order throughout the

length of the appointment; (iii) providing that a copy of the application for appointment of a special conservator of the peace shall be transmitted to the local attorney for the Commonwealth and the local sheriff or chief of police, who may submit to the court a sworn, written statement regarding the appointment; (iv) providing a process for the revocation of a special conservator of the peace's appointment; (v) restricting the geographical limitations of a special conservator of the peace appointed to provide services for a corporate applicant to the real property where the applicant is located, or any real property contiguous to such property; (vi) providing that the appointment order may permit the special conservator of the peace to use the seal of the Commonwealth and the title "police" upon request for good cause shown; (vii) prohibiting the special conservator of the peace from using blue flashing lights, but providing that the appointment order may permit the use of flashing lights and sirens upon request and for good cause shown; (viii) requiring that the appointment order specify the geographical limitations of the special conservator of the peace's authority; (ix) requiring all applicants for temporary registration to submit the results of a background investigation to the Department of Criminal Justice Services (the Department); (x) prohibiting persons required to register with the Sex Offender and Crimes Against Minors Registry from being appointed as special conservators of the peace; (xi) requiring a special conservator of the peace to report if he is arrested for, charged, with, or convicted of certain misdemeanor or felony offenses within 3 days; (xii) removing the option for a special conservator of the peace to be covered by a bond in lieu of insurance; (xiii) requiring all persons currently appointed or seeking appointment or reappointment as a special conservator of the peace to register with the Department; and (xiv) permitting localities to enter into mutual aid agreements with any entity employing special conservators of the peace that is located in such locality for the use of their joint forces and their equipment to maintain peace and good order. The bill provides that any existing special conservator of the peace has 36 months to comply with any new compulsory, minimum, entry-level training standards and requirements established following his appointment. This bill is identical to SB 1195.

### **HB 2228 Sex Offender and Crimes Against Minors Registry; registration verification.**

An Act to amend and reenact § 9.1-907 of the Code of Virginia, relating to the Sex Offenders and Crimes Against Minors Registry; verification of registration information.

*Summary as passed:*



**Sex Offender and Crimes Against Minors Registry; registration verification.** Provides that the Department of Corrections (the Department) or other supervisory personnel may cause to be physically verified by the State Police the registration information on the Sex Offender and Crimes Against Minors Registry that is required of registrants over whom the Department or the supervisory personnel exercise control. Under current law, physical verification must be carried out by the Department or the supervisory personnel. This bill is identical to SB 918.

**HB 2235 HOT lanes; when law-enforcement vehicles may use.**

An Act to amend and reenact § 33.2-500 of the Code of Virginia, relating to use of HOT lanes by law-enforcement vehicles.

*Summary as introduced:*

**HOT lanes; law-enforcement vehicles.** Clarifies the circumstances under which law-enforcement vehicles may use HOT lanes without paying a toll.

**HB 2273 Virginia Port Authority; expands police powers.**

An Act to amend and reenact § 62.1-132.12 of the Code of Virginia, relating to police powers of the Virginia Port Authority.

*Summary as introduced:*

**Virginia Port Authority police powers.** Expands the police powers of the Virginia Port Authority by allowing the Authority to employ special police officers on property owned, leased, or operated by the Authority or its subsidiaries. This bill is identical to SB 1358.

**HB 2286 Firearms or ammunition; possession by convicted felons, restoration of rights, etc.**

An Act to amend and reenact § 18.2-308.2 of the Code of Virginia, relating to possession of firearms, etc., by convicted felons; restoration of rights.

*Summary as passed:*

**Possession, etc., of firearms, etc., by convicted felons; restoration of rights.** Provides that the prohibition on the possession and transportation of firearms and ammunition by convicted felons does not apply to a felon whose right to possess firearms or ammunition has been restored under the law of another state.

**HB 2289 Auxiliary lights on public utility vehicles; certain vehicles may be equipped with clear lights.**

An Act to amend the Code of Virginia by adding a section numbered 46.2-1028.1, relating to auxiliary lights on public utility vehicles.

*Summary as introduced:*

**Auxiliary lights on public utility vehicles.** Provides that any electrical service utility vehicle owned and operated by a public utility and having a gross vehicle weight rating greater than 15,000 pounds may be equipped with clear auxiliary lights mounted on the lower portion of the vehicle and aimed downward for the exclusive use of ground lighting.

**HB 2303 Sexually violent predators; notice of hearings, conditional release plan.**

An Act to amend and reenact §§ 37.2-910, 37.2-911, 37.2-913, and 37.2-914 of the Code of Virginia, relating to sexually violent predators; notice of hearings; conditional release plan.

*Summary as passed House:*

**Sexually violent predators; notice of hearings; conditional release plan.** Requires the Department of Behavioral Health and Developmental Services, in preparing a conditional release plan for a sexually violent predator, to notify the attorney for the Commonwealth, the chief law-enforcement officer, and the local governing body for the locality that is the proposed location of the predator's residence upon his conditional release. The bill also provides that such attorney for the Commonwealth shall receive a copy of any petition (i) for the conditional release of a predator, (ii) to take a conditionally released predator into emergency custody, (iii) for the release of a predator taken into emergency custody, or (iv) to modify or remove conditions on a predator's release.

**HB 2314 Bail bondsmen and bail enforcement agents; license suspension when arrested for a felony, reporting.**

An Act to amend and reenact §§ 9.1-185.8, 9.1-185.14, and 9.1-186.11 of the Code of Virginia, relating to bail bondsmen and bail enforcement agents; arrest for felony offense; reporting.

*Summary as passed:*

**Bail bondsmen and bail enforcement agents; arrest for felony offense; reporting.** Requires a bail bondsman to report any felony arrest to the Department of Criminal Justice Services within 10 calendar days of the arrest. The bill provides that a licensed bail bondsman who has been arrested for a felony offense shall not issue any new bonds pending the outcome of the investigation by the Department. The bill also reduces from 30 to 10 calendar days the time within which a bail bondsman or bail enforcement agent must report certain other information to the Department.

**HB 2342 Salvage license; salvage advertising and display.**

An Act to amend and reenact § 46.2-1601.1 of the Code of Virginia, relating to salvage advertising and display of salvage license.

*Summary as passed:*

**Display of salvage license numbers.** Prohibits advertising to the public the sale, transport, delivery, removal, or receipt of a salvage or nonrepairable vehicle, or the major component parts of such vehicle, unless the seller is a licensee or an exempt individual. The bill requires a licensee advertiser to display its salvage license number in such advertisement and to state in any such advertisement placed in a newspaper, online, or by other electronic means the company's name, address, and telephone number in addition to its salvage license number. This bill is identical to SB 1430.

**HB 2355 Electronic communication service or remote computing service; obtaining records, real-time data.**

An Act to amend and reenact § 19.2-70.3 of the Code of Virginia, relating to obtaining records concerning electronic communication service or remote computing service; real-time location data.

*Summary as passed:*

**Real-time location data; search warrant.** Provides that a search warrant for real-time location data shall be issued if the judge or magistrate issuing the warrant is satisfied that probable cause has been established that the real-time location data sought is relevant to a crime that is being committed or has been committed or that an arrest warrant exists for the person whose real-time location data is sought.

### **HB 2369 Conservators of the peace, special; orders of appointment.**

An Act to amend and reenact § 19.2-13 of the Code of Virginia, relating to special conservators of the peace, orders of appointment.

*Summary as passed:*

**Special conservators of the peace; order of appointment.** Provides that a judge may revoke an order of appointment for a special conservator of the peace for good cause shown and after the special conservator of the peace has been given notice and an opportunity to be heard. Pending a hearing on revocation, the order may be temporarily suspended. The bill also provides that an appointment shall be eligible for suspension and revocation after a hearing if a special conservator of the peace is convicted of an offense for which he could not initially become registered as a special conservator of the peace.

### **HB 2385 Wireless telecommunications device; possession, etc., by prisoner, penalty.**

An Act to amend and reenact § 18.2-431.1 of the Code of Virginia, relating to possession, etc., of wireless telecommunications device by prisoner; penalty.

*Summary as passed:*

**Possession, etc., of wireless telecommunications device by prisoner; penalty.** Provides that a person who provides or causes to be provided a wireless telecommunications device to a prisoner or person committed to a juvenile correctional center, or a prisoner or person committed to a juvenile correctional center who possesses such a device, is guilty of a Class 6 felony. Current law prohibits only such provision or possession of cellular telephones.

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## **Senate Bills**

### **SB 685 United States Postal Service; inspectors.**

An Act to amend and reenact §§ 19.2-12, 19.2-56, 19.2-187, and 19.2-187.01 of the Code of Virginia, relating to criminal procedure; postal inspectors.

*Summary as passed Senate:*

**United States Postal Service; inspectors.** Removes the word "Inspection" from references to the United States Postal Inspection Service in several criminal procedure sections. The United States Postal Service restructured its law-enforcement agencies in 1997 and currently has two federal law-enforcement agencies with jurisdiction to investigate Postal Service-related crimes. By removing the word "Inspection," both agencies are included in Code sections governing conservators of the peace, issuance of search warrants, and analysis of forensic evidence. This bill incorporates SB 1072 and is identical to HB 1545.

**SB 702 Antique motor vehicles; exhaust systems.**

An Act to amend and reenact § 46.2-1049 of the Code of Virginia, relating to antique vehicle exhaust systems; noise.

*Summary as passed Senate:*

**Antique vehicle exhaust systems.** Exempts an antique motor vehicle manufactured prior to 1950, provided that the engine is comparable to that designed as standard factory equipment for that particular vehicle and that the exhaust system in good working order, from the requirement that motor vehicle exhaust systems "prevent excessive or unusual noise." This bill is identical to HB 1551.

**SB 703 Designating the Trooper Jacqueline Vernon Memorial Bridge.**

An Act to designate the Interstate 395 bridge over S. Glebe Road in Arlington County the "Trooper Jacqueline Vernon Memorial Bridge."

*Summary as introduced:*

**Designating the Trooper Jacqueline Vernon Memorial Bridge.** Designates the Interstate 395 bridge over S. Glebe Road in Arlington County the "Trooper Jacqueline Vernon Memorial Bridge." This bill is identical to HB 1401.

**SB 709 Computer and other crimes; venue for prosecution.**

An Act to amend and reenact § 19.2-249.2 of the Code of Virginia, relating to venue for prosecution of computer and other crimes.

*Summary as passed:*

**Creation of unlawful images; venue.** Provides that venue for prosecution of the crime of creating unlawful images of a nonconsenting person is the same as venue for the Virginia Computer Crimes Act. The bill also clarifies a venue provision in the Virginia Computer Crimes Act.

**SB 712 Higher education; handling of sexual assault cases.**

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 23 sections numbered 23-9.2:15, 23-9.2:16, and 23-9.2:17, relating to institutions of higher education; reporting of acts of sexual violence; memoranda of understanding; policy review.

*Summary as enacted with Governor's Recommendations:*

**Institutions of higher education; reporting acts of sexual violence.** Requires any responsible employee of a public or private nonprofit institution of higher education who in the course of his employment obtains information that an act of sexual violence has been committed against a student or on campus property or other property related to the institution to report such information to the Title IX coordinator for the institution as soon as practicable. The bill requires the Title IX coordinator to report such information to a review committee, which shall meet within 72 hours of the receipt of information of an alleged act of sexual violence and which shall include the Title IX coordinator, a representative of law enforcement, and a student affairs representative. If the review committee determines that disclosure of the information regarding the alleged act of sexual violence is necessary to protect the health and safety of the victim or other individuals, the representative of law enforcement on the review committee shall disclose the information, including personally identifiable information, to the law-enforcement agency responsible for investigating the alleged act. In cases involving a felony sexual assault, the representative of law enforcement on the review committee, or in certain situations, another committee member, shall consult with the local attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged act of sexual violence.

The bill requires the governing board of each public or private nonprofit institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies to provide victims with information on contacting such center or service. The bill requires each public or private nonprofit institution of higher education to annually certify to the State Council of Higher Education for Virginia that it has reviewed its sexual violence policy. Finally, the bill requires the

Department of Criminal Justice Services to monitor the impact the legislation will have on the workload of local victim witness programs and report its findings to the Chairmen of the House and Senate Committees for Courts of Justice by October 1, 2016. This bill is identical to HB 1930.

**SB 720 Arrest photos on Internet; penalty.**

An Act to amend the Code of Virginia by adding a section numbered 8.01-40.3, relating to the dissemination, etc., of criminal history record information; civil action.

*Summary as passed:*

**Dissemination, etc., of criminal history record information; civil action.** Creates a civil action against any person who disseminates, publishes, or maintains or causes to be disseminated, published, or maintained the criminal history record information of an individual pertaining to that individual's charge or arrest for a criminal offense and solicits, requests, or accepts money or other thing of value for removing such information. Such person shall be liable to the individual who is the subject of the information for actual damages or \$500, whichever is greater, in addition to reasonable attorney fees and costs.

**SB 721 Seizure of property; receipt required.**

An Act to amend and reenact § 19.2-386.2 of the Code of Virginia, relating to seizure of property; inventory required.

*Summary as passed:*

**Seizure of property; inventory required.** Requires the agency seizing property to, as soon as practicable, conduct an inventory of the seized property and provide a copy of such inventory to the property owner.

**SB 753 Trooper Andrew Fox Memorial Bridge; designating as New River Bridge on Interstate 81.**

An Act to designate New River Bridge on Interstate 81 the "Trooper Andrew Fox Memorial Bridge."

*Summary as introduced:*

**Designating the Trooper Andrew Fox Memorial Bridge.** Designates the New River Bridge on Interstate 81 in Montgomery and Pulaski Counties the "Trooper Andrew Fox Memorial Bridge." This bill is identical to HB 2183.

**SB 778 Motor fuels; vehicles hauling certain fuels during times of necessitous circumstances, report.**

An Act to direct agencies of the Commonwealth to establish protocol relating to hauling motor fuels during times of necessitous circumstances; report.

*Summary as passed Senate:*

**Hauling motor fuels; times of emergency.** Directs certain state agencies to establish a protocol for a declaration of a state of emergency for resource shortages that adversely affect the delivery of motor fuels, gasoline, diesel, kerosene, number one and number two heating oils, or liquid propane gas and to report on such protocol by the first day of the 2016 Session. This bill is identical to HB 1522.

**SB 781 Passing with a double yellow line; drivers allowed to pass a pedestrian, bicycle, skateboard, etc.**

An Act to amend and reenact § 46.2-804 of the Code of Virginia, relating to passing with a double yellow line.

*Summary as passed:*

**Passing with a double yellow line.** Allows drivers to cross double yellow lines or a solid yellow line immediately adjacent to a broken yellow line in order to pass a pedestrian or a device moved by human power, if such movement can be made safely. The bill also relocates a definition from the end of the section to the beginning for clarity. This bill incorporated SB 1027 and SB 1228.

**SB 793 Towing truck driver, etc.; prohibits occupants in motor vehicle while such vehicle is being towed.**

An Act to amend and reenact § 46.2-118 of the Code of Virginia, relating to towing vehicles with occupants.

*Summary as passed Senate:*



**Towing vehicles with occupants.** Prohibits tow truck drivers and towing and recovery operators from knowingly towing a motor vehicle with occupants.

**SB 794 Judicial personnel; testimony of certain personnel.**

An Act to amend and reenact § 19.2-271 of the Code of Virginia, relating to testimony of certain judicial personnel.

*Summary as passed:*

**Testimony of certain judicial personnel.** Clarifies that certain persons who have the power to issue warrants are competent to testify in a criminal proceeding in which the defendant is charged with perjury.

**SB 803 Speed limits in school crossing zones; counties allowed to increase or decrease.**

An Act to amend and reenact § 46.2-873 of the Code of Virginia, relating to changing speed limits in school zones.

*Summary as passed:*

**Speed limits in school zones.** Allows counties in Planning District 8 to increase or decrease the speed limits in school zones; current law allows cities and towns to do so. This bill is identical to HB 1531.

**SB 817 Prescription Monitoring Program; disclosure of information.**

An Act to amend and reenact § 54.1-2523 of the Code of Virginia, relating to Prescription Monitoring Program; disclosure of information.

*Summary as passed Senate:*

**Prescription Monitoring Program; disclosure of information.** Requires the Director of the Department of Health Professions to disclose information from the Prescription Monitoring Program relevant to a specific investigation, supervision, or monitoring of a specific recipient for purposes of the administration of criminal justice to a probation or parole officer or local community-based probation officer who has completed the Virginia State Police Drug Diversion School designated by the Director of the Department of Corrections or his designee.

**SB 832 Blood samples; person authorized to take samples pursuant to a search warrant, immunity.**

An Act to amend the Code of Virginia by adding a section numbered 19.2-53.1, relating to taking of blood samples pursuant to search warrant; immunity.

*Summary as passed:*

**Taking blood samples pursuant to search warrant; qualified immunity.** Provides that no cause of action shall lie in any court against any person authorized by law to withdraw blood pursuant to a search warrant issued in accordance with § 19.2-53 when that person is acting in accordance with such warrant, except in cases of negligence in the withdrawing of blood or willful misconduct.

**SB 836 Motorcycles; standing on footpegs when dictated by safety concerns.**

An Act to amend and reenact § 46.2-909 of the Code of Virginia, relating to standing while riding a motorcycle.

*Summary as introduced:*

**Riding on motorcycles.** Allows a operator of a motorcycle to stand on the footpegs, for no longer than is necessary, when dictated by safety concerns.

**SB 845 Volunteer first responders; immunity from civil liability when in route to an emergency.**

An Act to amend the Code of Virginia by adding a section numbered 8.01-225.3, relating to immunity from civil liability; volunteer first responders.

*Summary as passed:*

**Immunity for volunteer first responders en route to an emergency.** Provides that no volunteer firefighter or volunteer emergency services personnel shall be liable for any injury to persons or property arising out of the operation of an emergency vehicle when such volunteer is en route to respond to a fire or to render emergency care or assistance to any ill or injured person at the scene of an accident, fire, or life-threatening emergency and the emergency vehicle displays warning lights and sounds a siren, exhaust whistle, or air horn, unless such

injury results from gross negligence or willful or wanton misconduct. Such immunity shall be in addition to, not in lieu of, any other applicable immunity provided by state or federal law.

### **SB 855 Capital cases; determination of mental retardation.**

An Act to amend and reenact § 19.2-264.3:1.1 of the Code of Virginia, relating to capital cases; determination of mental retardation.

*Summary as introduced:*

**Capital cases; mental retardation.** Requires that the results of an intelligence test given in the process of determining whether a capital case defendant is mentally retarded must be reported as a range of scores calculated by adding to and subtracting from the defendant's test score the standard error of measurement for such test.

### **SB 858 Breaks Interstate Park; employees being commissioned as conservation officers.**

An Act to amend and reenact §§ 10.1-115 through 10.1-119 of the Code of Virginia and to amend the Code of Virginia by adding in Article 4 of Chapter 1 of Title 10.1 a section numbered 10.1-120, relating to conservation officers; Breaks Interstate Park.

*Summary as introduced:*

**Conservation officers; Breaks Interstate Park.** Establishes qualifications and procedures for the commissioning as conservation officers of employees of Breaks Interstate Park, a park located in both Kentucky and Virginia and administered by the Breaks Interstate Park Commission. The bill gives all conservation officers jurisdiction over Virginia portions of the park, with the agreement of the Commission, and obligates conservation officers to uphold the rules and regulations of the Commission. This bill is identical to HB 1859.

### **SB 892 Overdoses; establishes an affirmative defense to prosecution of an individual, etc., safe reporting.**

An Act to amend the Code of Virginia by adding a section numbered 18.2-251.03, relating to safe reporting of overdoses.

*Summary as passed:*

**Safe reporting of overdoses.** Establishes an affirmative defense to prosecution of an individual for (i) simple possession of a controlled substance, marijuana, or controlled paraphernalia; (ii) intoxication in public; or (iii) the unlawful purchase, possession, or consumption of alcohol if such individual sought or obtained emergency medical attention for himself or for another individual because of a drug-related or alcohol-related overdose and if the evidence for the charge was obtained as a result of the individual seeking or obtaining emergency medical attention. The bill provides that the affirmative defense may only be invoked by an individual who (a) remains at the scene of the overdose or at any location to which he is transported for emergency medical attention until a law-enforcement officer responds to the report of an overdose or, if no law-enforcement officer is present at either the scene or the other location, cooperates with law enforcement, (b) identifies himself to the responding law-enforcement officer, and (c) cooperates, upon request, with any criminal investigation reasonably related to the drug or alcohol that resulted in the overdose. No individual may assert this affirmative defense if the emergency medical attention sought or obtained was during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest. This bill is identical to HB 1500.

**SB 908 Police and court records; expungement, court may order without conducting a hearing.**

An Act to amend and reenact § 19.2-392.2 of the Code of Virginia, relating to expungement of police and court records; hearing.

*Summary as passed:*

**Expungement of police and court records; hearing.** Provides that within 21 days after being served with a petition requesting expungement of police and court records, the attorney for the Commonwealth may give written notice to the court that he does not object to the petition and, if the charge to be expunged is a felony, that he stipulates that the continued dissemination of such records constitutes a manifest injustice to the petitioner. If such notice is given, the court may enter an order of expungement without conducting a hearing. This bill is a recommendation of the Virginia Criminal Justice Conference.

**SB 915 Indecent liberties; venue.**

An Act to amend and reenact § 18.2-359 of the Code of Virginia, relating to venue for certain sex crimes.

*Summary as introduced:*

**Indecent liberties; venue.** Provides that the venue provisions for taking indecent liberties with a child by a person in a custodial or supervisory relationship will be the same as those for the crime of taking indecent liberties with a child when there is no custodial or supervisory relationship.

**SB 918 Sex offender registration; verification.**

An Act to amend and reenact § 9.1-907 of the Code of Virginia, relating to the Sex Offenders and Crimes Against Minors Registry; verification of registration information.

*Summary as passed:*

**Sex Offender and Crimes Against Minors Registry; registration verification.** Provides that the Department of Corrections or other supervisory personnel may cause to be physically verified by the Department of State Police the registration information on the Sex Offender and Crimes Against Minors Registry that is required of registrants over whom the Department or the supervisory personnel exercise control. Under current law, physical verification must be carried out by the Department or the supervisory personnel. This bill is identical to HB 2228.

**SB 919 Administrative subpoenas; electronic communication services, sealing of subpoena.**

An Act to amend and reenact § 19.2-10.2 of the Code of Virginia, relating to administrative subpoenas; electronic communication service or remote computing service; sealing.

*Summary as passed:*

**Administrative subpoenas; electronic communication services nondisclosure of subpoena.** Authorizes the Attorney General, as attorneys for the Commonwealth are currently authorized, to issue administrative subpoenas to obtain certain records and other information from electronic communication service and remote computing service providers if relevant to a law-enforcement investigation of certain pornography, abduction, and prostitution crimes. The bill requires such subpoenas to contain a provision ordering the service provider not to notify or disclose the existence of the subpoena to another person, other than an attorney to obtain legal advice, for a period of 30 days after the date on which the service provider responds to the subpoena if the attorney for the Commonwealth or Attorney General makes written certification that there is reason to believe that the victim is under the age of 18 and that the disclosure of

the existence of the subpoena will endanger the ! life or physical safety of an individual; lead to flight from prosecution, the destruction of or tampering with evidence, or the intimidation of potential witnesses; or otherwise seriously jeopardize an investigation. This bill is identical to HB 1946.

### **SB 936 Unclaimed firearms; donation to Department of Forensic Science.**

An Act to amend and reenact §§ 15.2-1721, 30-34.2:2, and 52-11.5 of the Code of Virginia, relating to unclaimed firearms; Department of Forensic Science.

*Summary as passed:*

**Unclaimed firearms; donation to Department of Forensic Science.** Permits localities, the Capitol Police, and the State Police to donate unclaimed firearms to the Department of Forensic Science. The bill also extends from 60 to 120 days the period for which various law-enforcement agencies must retain unclaimed firearms before destroying or donating such firearms.

### **SB 942 Virginia Retirement System; purchase of prior service credit.**

An Act to amend and reenact § 51.1-142.2 of the Code of Virginia, relating to the Virginia Retirement System; purchase of prior service credit.

*Summary as passed:*

**Virginia Retirement System; purchase of prior service credit.** Allows a member of the Virginia Retirement System granted an unpaid leave of absence for the death of a qualifying child to purchase up to one year of service credit per occurrence of leave. Current law allows the purchase of service credit for an unpaid leave of absence related to the birth or adoption of a child.

### **SB 955 Industrial hemp production and manufacturing.**

An Act to amend and reenact §§ 3.2-801 and 54.1-3401 of the Code of Virginia and to amend the Code of Virginia by adding in Title 3.2 a chapter numbered 41.1, consisting of sections numbered 3.2-4112 through 3.2-4120, relating to industrial hemp production and manufacturing.

*Summary as passed Senate:*

**Industrial hemp production and manufacturing.** Allows the cultivation of industrial hemp by licensed growers as part of a university-managed research program. The bill defines industrial hemp as the plant *Cannabis sativa* with a concentration of THC no greater than that allowed by federal law, excludes industrial hemp from the definition of marijuana in the Drug Control Act, and bars the prosecution of a licensed grower under drug laws for the possession of industrial hemp as part of the research program. The bill directs the Commissioner of the Department of Agriculture and Consumer Services to adopt relevant regulations and establish an industrial hemp research program to be managed by public institutions of higher education. This bill is identical to HB 1277.

**SB 956 Overheight vehicles; owner of vehicle to be fined for any damage.**

An Act to amend and reenact § 46.2-1110 of the Code of Virginia, relating to penalties for overheight vehicles.

*Summary as passed Senate:*

**Overheight vehicles on the Hampton Roads Bridge Tunnel.** Exempts from penalties applicable to overheight vehicles the driver of any vehicle exceeding the prescribed maximum height who is attempting to drive through the westbound tunnel of the Hampton Roads Bridge Tunnel and who elects to wait until the end of peak traffic periods so that the Department of Transportation or State Police may safely stop traffic and allow the vehicle to proceed in the opposite direction.

**SB 961 Juvenile Justice, Department of; access to criminal history record information.**

An Act to amend and reenact § 19.2-389 of the Code of Virginia, relating to the Department of Juvenile Justice; access to criminal history record information.

*Summary as introduced:*

**Department of Juvenile Justice; access to criminal history record information.** Adds the Department of Juvenile Justice (DJJ) to the list of entities authorized to receive information from the Virginia Criminal Information Network (VCIN). The bill specifies that DJJ may receive background checks from VCIN in order to complete predispositional and postdispositional reports required by law.

### **SB 966 Temporary detention order; custody.**

An Act to amend and reenact §§ 16.1-340.1:1 and 37.2-809.1 of the Code of Virginia, relating to temporary detention order; custody.

*Summary as passed Senate:*

**Temporary detention order; custody.** Removes the requirement that a person subject to a temporary detention order remain in the custody of the community services board for the duration of the order. This requirement was in conflict with other Code sections that require that such person remain in the custody of law enforcement until custody is transferred to a facility or to an alternative transportation provider. This bill is identical to HB 1694.

### **SB 969 Virginia Freedom of Information Act; exception to open meeting requirements.**

An Act to amend and reenact §§ 2.2-3701 and 2.2-3707 of the Code of Virginia, relating to the Virginia Freedom of Information Act; exception to open meeting requirements.

*Summary as introduced:*

**Virginia Freedom of Information Act (FOIA); exception to open meeting requirements.** Clarifies that the gathering or attendance of two or more members of a public body (i) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (ii) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, is not a meeting under FOIA. The bill contains a technical amendment.

### **SB 989 Forest products; establishes overweight permit for hauling, length limitations.**

An Act to amend the Code of Virginia by adding a section numbered 46.2-1148.1, relating to overweight permits for hauling forest products.

*Summary as passed:*



**Overweight permits; forest products.** Establishes an overweight permit for hauling forest products and provides for the weight limits and the fee of \$130 for the permit. This bill is identical to HB 2072.

**SB 997 Emergency medical services personnel; background checks, process.**

An Act to amend and reenact § 32.1-111.5 of the Code of Virginia, relating to emergency medical services personnel; background checks.

*Summary as passed:*

**Emergency medical services personnel; background checks; process.** Allows local governments, by adoption of an ordinance, to use an alternative method for criminal history background checks for emergency medical services personnel. Emergency medical services agencies in such localities shall require applicants to submit fingerprints and personal identifying information to be provided directly to the Central Criminal Records Exchange, which shall forward the results of the state and national records search to the local government or chief law-enforcement officer of the locality, who shall notify the Office of Emergency Medical Services of the applicant's eligibility for employment or volunteer service. This bill incorporates SB 837.

**SB 1003 Off-road motorcycles converted to on-road use; titling and registration requirements, penalty.**

An Act to amend and reenact § 46.2-625 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-602.4, relating to titling and registration of non-conventional vehicles; penalty.

*Summary as introduced:*

**Titling and registration requirements; off-road motorcycles converted to on-road use; penalty.** Establishes titling and registration requirements for off-road motorcycles converted to on-road use and includes off-road motorcycles converted to on-road use in existing titling requirements for nonconventional vehicles. The bill requires individuals who convert off-road motorcycles to on-road use to certify that the vehicle (i) passed Virginia safety inspections, (ii) meets all federal safety standards, and (iii) is properly labeled. The bill makes falsifying the required certification a Class 1 misdemeanor.

## **SB 1025 Transportation network companies.**

An Act to amend and reenact §§ 46.2-694, as it is currently effective and as it may become effective, 46.2-711, 46.2-749.5, 46.2-753, 46.2-755, 46.2-1400, 46.2-2000, 46.2-2001.3, 46.2-2011.5, 46.2-2011.6, 46.2-2011.20, 46.2-2011.22, 46.2-2011.24, 46.2-2011.29, and 46.2-2051 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 20 of Title 46.2 an article numbered 15, consisting of sections numbered 46.2-2099.45 through 46.2-2099.53, relating to transportation network companies.

*Summary as passed Senate:*

**Transportation network companies.** Establishes a process for the licensing of transportation network companies (TNCs) by the Department of Motor Vehicles (DMV), provided that TNCs comply with the requirements for licensure. The bill requires TNCs to screen drivers (TNC partners), ensure that all drivers are at least 21 years old and properly licensed to drive, and conduct background checks on all drivers including a national criminal background check, a driving history report, and status on the state and national sex offender registries.

The bill also requires that TNC partner vehicles be titled and registered personal vehicles; be insured; have a maximum seating capacity of no more than seven persons, excluding the driver; be registered with DMV for TNC use; and display TNC and DMV identification markers. The bill further requires that TNC drivers be covered by a specific liability insurance policy and specifies the nature and limits of the insurance coverage. The bill also imposes several other operational requirements, including requirements that the TNC provide a credential to the driver and disclose information about the TNC partner and TNC policies to passengers.

The bill authorizes DMV to conduct periodic reviews of TNCs to confirm compliance and authorizes fees to cover DMV's costs of administering the program, an initial TNC license fee of \$100,000 and an annual license renewal fee of \$60,000. The bill requires DMV to review the fee structure and report by December 1, 2016. This bill is identical to HB 1662.

## **SB 1034 Alcoholic beverage control; adds powdered or crystalline alcohol, penalty.**

An Act to amend and reenact §§ 4.1-100 and 4.1-103 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 4.1-302.2, relating to alcoholic beverage control; powdered or crystalline alcohol; penalty.

*Summary as passed Senate:*

**Alcoholic beverage control; powdered or crystalline alcohol; penalty.** Adds powdered or crystalline alcohol to the definition of alcoholic beverages, prohibits containers sold in or shipped into the Commonwealth from including powdered or crystalline alcohol, and creates a Class 1 misdemeanor for anyone who purchases, possesses, offers for sale or use, sells, or uses a powdered or crystalline alcohol product. This bill is identical to HB 1908.

**SB 1048 Capitol Police; security for Governor-elect, Lieutenant Governor-elect, Attorney General-elect.**

An Act to amend and reenact § 30-34.2:1 of the Code of Virginia, relating to powers of Capitol Police when providing security for Governor-elect, Lieutenant Governor-elect, Attorney General-elect or members of the Court of Appeals.

*Summary as introduced:*

**Capitol Police; security for Governor-elect, Lieutenant Governor-elect, Attorney General-elect, and members of the Court of Appeals.** Expands the jurisdiction of the Capitol Police for the purpose of providing security for the Governor-elect, Lieutenant Governor-elect, Attorney General-elect, and members of the Court of Appeals. Under current law, the Capitol Police have expanded jurisdiction when providing security for the Governor and his family, the Lieutenant Governor, the Attorney General, members of the General Assembly, and members of the Supreme Court of Virginia. This bill contains technical amendments and is identical to HB 1466.

**SB 1056 Child pornography and obscenity offenses; penalties.**

An Act to amend and reenact §§ 18.2-374.1:1 and 18.2-381 of the Code of Virginia, relating to child pornography and obscenity offenses; penalties.

*Summary as passed:*

**Child pornography; obscenity; penalties.** Adds a mens rea of "knowingly" for the offenses of (i) reproducing child pornography and (ii) soliciting child pornography to gain entry to a group and removes the requirement of lascivious intent for these offenses. The bill also amends a penalty section that applies to the obscenity article to correctly reflect the existing penalties. This bill is a recommendation of the Virginia State Crime Commission.

**SB 1074 Sex Offender and Crimes Against Minors Registry; supplement to Registry.**

An Act to amend and reenact § 9.1-918 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 9 of Title 9.1 a section numbered 9.1-923, relating to the Supplement to the Sex Offender and Crimes Against Minors Registry; penalty.

*Summary as passed:*

**Supplement to the Sex Offender and Crimes Against Minors Registry.** Requires the Superintendent of State Police to establish a Supplement to the Sex Offender and Crimes Against Minors Registry (the Registry) that would include information on persons who were convicted of certain sexual offenses on or after July 1, 1980, and before July 1, 1994, who are not currently on the Registry. The Supplement will be available to the public on the Department of State Police website. Persons whose information is on the Supplement who would be able to petition for removal of their information if they were on the Registry will be able to petition for removal of their information from the Supplement. This bill incorporates SB 934 and is identical to HB 1353.

**SB 1081 Equines; prohibits intentional roping of or interference with the legs of an equine.**

An Act to amend and reenact § 3.2-6570 of the Code of Virginia, relating to intentional tripping of equines; penalty.

*Summary as passed:*

**Intentional tripping of equines prohibited; penalty.** Prohibits the intentional roping of or interference with the legs of an equine in order to cause it to trip or fall for the purpose of engagement in a rodeo or other contest or entertainment. The bill exempts from the prohibition such actions that are in the practice of accepted animal husbandry or for the purpose of allowing the administration of veterinary care. The bill makes a violation of the ban a Class 1 misdemeanor, with a second or subsequent violation constituting a Class 6 felony.

**SB 1086 Medicaid payment; trial for false statement or representation on application, venue.**

An Act to amend and reenact § 32.1-314 of the Code of Virginia, relating to trial for false statement or representation on application for Medicaid payment; venue.

*Summary as introduced:*

**Trial for false statement or representation on application for Medicaid payment; venue.** Provides that the venue for the trial of any person charged with making a false statement or representation with regard to an application for Medicaid payment shall be the county or city in which (i) any act was performed in furtherance of the offense or (ii) the person charged with the offense resided at the time of the offense.

**SB 1094 Sexual and Domestic Violence, Advisory Committee on; established.**

An Act to amend and reenact § 9.1-102 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 9.1 sections numbered 9.1-116.2 and 9.1-116.3, relating to powers and duties of the Department of Criminal Justice Services; committees related to sexual and domestic violence.

*Summary as passed:*

**Sexual and domestic violence; establishment of committees.** Establishes the Virginia Sexual and Domestic Violence Program Professional Standards Committee and requires the Department of Criminal Justice Services to administer its activities by providing technical assistance and administrative support. This Committee is tasked with establishing voluntary accreditation standards and procedures by which local sexual and domestic violence programs can be systematically measured and evaluated with a peer-reviewed process. An Advisory Committee on Sexual and Domestic Violence is also established and has the responsibility for advising and assisting state and local entities on matters related to the prevention and reduction of sexual and domestic violence and for promoting the efficient administration of grant funds. This bill incorporates SB 1057, is identical to HB 2092, and is a recommendation of the Virginia State Crime Commission.

**SB 1109 Virginia Freedom of Information Act; expands open meeting exemptions.**

An Act to amend and reenact § 2.2-3711 of the Code of Virginia, relating to the Virginia Freedom of Information Act; open meeting exemptions; discussions relating to cybersecurity.

*Summary as passed:*

**Virginia Freedom of Information Act (FOIA); open meeting exemptions; discussions relating to cybersecurity.** Expands the open meeting exemption for the discussion of plans to protect public safety as it relates to terrorism and security of governmental facilities to include

the discussion of specific cybersecurity threats or vulnerabilities, including the discussion of related records excluded from FOIA, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program. The bill contains an emergency clause.

**SB 1114 Emergency custody order; temporary detention for testing, observation, and treatment.**

An Act to amend and reenact §§ 37.2-808 and 37.2-1104 of the Code of Virginia, relating to temporary detention for testing, observation, and treatment of a person who is the subject of an emergency custody order.

*Summary as passed Senate:*

**Temporary detention for testing, observation, and treatment of person who is the subject of an emergency custody order.** Provides that a court or magistrate may issue an order for temporary detention for medical testing, observation, and treatment for a person who is also the subject of an emergency custody order for evaluation and treatment of mental illness. Upon completion of any required testing, observation, or treatment, the hospital emergency room or other appropriate facility in which the person is temporarily detained shall notify the nearest community services board, and a designee of the community services board shall complete the evaluation as soon as is practicable but prior to the expiration of the order for temporary detention for testing, observation, or treatment.

**SB 1121 Agency directors; IT responsibility.**

An Act to amend and reenact § 2.2-603 of the Code of Virginia, relating to IT responsibility of agency directors.

*Summary as introduced:*

**IT responsibility of agency directors.** Provides that the director of every department in the executive branch of state government shall be responsible for securing the electronic data held by his department and shall comply with the requirements of the Commonwealth's information technology security and risk management program as developed by the Chief Information Officer.

**SB 1129 FOIA; expands record exemption for public safety, cybersecurity.**

An Act to amend and reenact § 2.2-3705.2 of the Code of Virginia, relating to the Virginia Freedom of Information Act; record exemption for public safety; cybersecurity.

*Summary as passed:*

**Virginia Freedom of Information Act; record exemption for public safety; cybersecurity.** Expands the current record exemption for plans and information to prevent or respond to terrorism to include information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities or security plans and measures of an entity, facility, building structure, information technology system, or software program. The bill contains an emergency clause and technical amendments.

**SB 1133 State and local government officers and employees; prohibited conduct, retaliation.**

An Act to amend and reenact § 2.2-3103 of the Code of Virginia, relating to prohibited conduct by state and local government officers and employees; retaliation.

*Summary as passed:*

**Prohibited conduct by state and local government officers and employees; retaliation.** Prohibits a state or local government officer or employee from using his public position to retaliate or threaten retaliation against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law. The bill provides, however, that the prohibition does not (i) restrict the authority of any public employer to govern conduct of its employees, and to take disciplinary action, in accordance with applicable law or (ii) limit the authority of a constitutional officer to discipline or discharge an employee with or without cause.

**SB 1165 Farm winery; licensees allowed to manufacture wine containing 21% or less of alcohol by volume.**

An Act to amend and reenact §§ 4.1-100 and 4.1-207 of the Code of Virginia, relating to alcoholic beverage control; alcohol by volume.

*Summary as passed:*

**Alcoholic beverage control; alcohol by volume.** Allows farm winery licensees to manufacture wine containing 21 percent or less of alcohol by volume. Under current law, farm winery licensees may manufacture wine containing 18 percent or less of alcohol by volume. The bill also defines a farm winery to include an accredited public or private institution of higher education provided that (i) no wine manufactured by the institution shall be sold, (ii) the wine manufactured by the institution shall be used solely for research and educational purposes, (iii) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (iv) such farm winery is operated in strict conformance with these requirements and Board regulations. This bill is identical to HB 1634.

**SB 1184 Missing persons; search and rescue.**

An Act to amend and reenact §§ 9.1-102 and 44-146.18 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-1718.2, relating to missing persons; search and rescue.

*Summary as passed Senate:*

**Missing persons; search and rescue.** Provides that no local law-enforcement agency shall establish or maintain any policy that requires a waiting period before accepting a critically missing adult report and requires a local law-enforcement agency that receives such a report to initiate an investigation of the case within two hours of receipt. The bill defines a critically missing adult as any missing adult 21 years of age or older whose disappearance indicates a credible threat to the health and safety of the adult as determined by a law-enforcement agency and under such other circumstances as deemed appropriate after consideration of all known circumstances. The bill requires the Department of Criminal Justice Services to establish training standards and publish a model policy for missing children, missing adults, and search and rescue protocol. The bill also requires the Department of Emergency Management to establish a Coordinator of Search and Rescue. This bill is a recommendation of the Virginia State Crime Commission and is identical to HB 1808.

**SB 1186 Naloxone; administration in cases of opiate overdose.**

An Act to amend and reenact §§ 8.01-225 and 54.1-3408 of the Code of Virginia, relating to prescription, distribution, and administration of naloxone or other opioid antagonist.



*Summary as enacted with Governor's Recommendations:*

**Naloxone; administration in cases of opiate overdose.** Provides that a pharmacist may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, that a person may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opiate overdose, and that firefighters and law-enforcement officers who have completed a training program may possess and administer naloxone in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. The bill also provides that a person who in good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opioid overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of § 54.1-3408 or in his role as a member of an emergency medical services agency. The bill contains an emergency clause. This bill is identical to HB 1458 and HB 1833.

**SB 1187 DNA; analysis upon conviction of certain misdemeanors.**

An Act to amend and reenact §§ 19.2-310.2 and 19.2-310.7 of the Code of Virginia, relating to DNA analysis upon conviction of certain misdemeanors.

*Summary as passed:*

**DNA analysis upon conviction of certain misdemeanors.** The bill adds misdemeanor violations of §§ 16.1-253.2 (violation of a protective order), 18.2-60.3 (stalking), 18.2-60.4 (violation of a stalking protective order), 18.2-67.4:1 (infected sexual battery), 18.2-102 (unauthorized use of animal, aircraft, vehicle, or boat valued at less than \$200), 18.2-121 (entering property of another for purpose of damaging it), 18.2-387 (indecent exposure), 18.2-387.1 (obscene sexual display), and 18.2-479.1 (resisting arrest) to the list of offenses for which an adult convicted of such offense must have a sample of his blood, saliva, or tissue taken for DNA analysis. Under current law, a sample is taken for DNA analysis from adults convicted of only five misdemeanor sex offenses: (i) § 18.2-67.4 (sexual battery), (ii) § 18.2-67.4:2 (sexual abuse of a child 13 years of age or older but under 15), (iii) § 18.2-67.5 (attempted sexual battery), (iv) § 18.2-130 (peeping), or (v) § 18.2-370.6 (penetrating the mouth of a child under

13 with the tongue). The bill also increases the fee collected for the withdrawal of the DNA sample from \$25 to \$53. The provisions of the bill apply only to persons convicted on or after July 1, 2015. This bill is identical to HB 1928.

**SB 1188 Commercial sex trafficking; penalties.**

An Act to amend and reenact §§ 9.1-902, 17.1-805, 18.2-46.1, 18.2-356, 18.2-357, 18.2-513, 19.2-215.1, and 19.2-386.35 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-357.1, relating to commercial sex trafficking; penalties.

*Summary as passed:*

**Commercial sex trafficking; penalties.** Creates new felonies for trafficking of persons for commercial sexual activity. The bill provides that any person who solicits, invites, recruits, encourages, or otherwise causes or attempts to cause a person to engage in prostitution with the intent to receive money or other valuable thing or to assist another in receiving money or other valuable thing from the earnings of the solicited person from an act of prostitution is guilty of a Class 5 felony. Felonies are increased if such behavior is done by an adult and the person solicited is a minor (Class 3 felony) and if force, intimidation, or deception is used against the person solicited (Class 4 felony). The new crime was added to the definition of violent felony for the purposes of the sentencing guidelines, predicate criminal acts for street gangs, the Virginia Racketeer Influence and Corrupt Organization Act, multijurisdiction grand jury, and asset forfeiture and, if a minor is solicited, the Sex Offender Registry. The bill also amends two existing Code sections on receiving money for procuring a person for prostitution and receiving money from the earnings of a person engaged in prostitution to increase penalties if the crime involves a minor. This bill is identical to HB 1964.

**SB 1191 Firearm, stun weapon, or other weapon; possession on school property.**

An Act to amend and reenact § 18.2-308.1 of the Code of Virginia, relating to possession of firearm, stun weapon, or other weapon on school property.

*Summary as passed Senate:*

**Firearms, other weapons on school property.** Amends the statute that makes it a crime to possess a firearm, stun weapon, knife, or certain other weapons on school property to require that the person knowingly possess the firearm or other weapon.

**SB 1193 Academic transcripts; suspension, permanent dismissal, or withdrawal from institution.**

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 23 a section numbered 23-9.2:15, relating to academic transcripts; suspension, permanent dismissal, or withdrawal from institution.

*Summary as enacted with Governor's Recommendations:*

**Academic transcripts; suspension, permanent dismissal, or withdrawal from institution.** Requires the registrar of certain public and private institutions of higher education, or the other employee, office, or department of the institution that is responsible for maintaining student academic records, to include a prominent notation on the transcript of each student who has been suspended for, has been permanently dismissed for, or withdraws from the institution while under investigation for an offense involving sexual violence under the institution's code, rules, or set of standards governing student conduct. The bill defines sexual violence as physical sexual acts committed against a person's will or against a person incapable of giving consent. The bill provides that any notation due to a student's suspension shall be removed if the student completed the term of the suspension and any conditions thereof and has been determined by the institution to be in good standing.

**SB 1195 Conservators of the peace, special; training standards, orders of appointment, etc.**

An Act to amend and reenact §§ 9.1-150.2, 15.2-1748, and 19.2-13 of the Code of Virginia, relating to special conservators of the peace; training; registration; etc.

*Summary as enacted with Governor's Recommendations:*

**Special conservators of the peace; training, orders of appointment, registration, etc.** Makes various changes to the laws providing for the appointment of special conservators of the peace, including (i) requiring the Criminal Justice Services Board to adopt regulations establishing compulsory training standards of 98 hours for unarmed special conservators of the peace and 130 hours for armed special conservators of the peace; (ii) specifying that the court retains jurisdiction over the special conservator of the peace's appointment order throughout the length of the appointment; (iii) providing that a copy of the application for appointment of a special conservator of the peace shall be transmitted to the local attorney for the Commonwealth and the local sheriff or chief of police, who may submit to the court a sworn,

written statement regarding the appointment; (iv) providing a process for the revocation of a special conservator of the peace's appointment; (v) restricting the geographical limitations of a special conservator of the peace appointed to provide services for a corporate applicant to the real property where the applicant is located, or any real property contiguous to such property; (vi) providing that the appointment order may permit the special conservator of the peace to use the seal of the Commonwealth and the title "police" upon request for good cause shown; (vii) prohibiting the special conservator of the peace from using blue flashing lights, but providing that the appointment order may permit the use of flashing lights and sirens upon request and for good cause shown; (viii) requiring that the appointment order specify the geographical limitations of the special conservator of the peace's authority; (ix) requiring all applicants for temporary registration to submit the results of a background investigation to the Department of Criminal Justice Services (the Department); (x) prohibiting persons required to register with the Sex Offender and Crimes Against Minors Registry from being appointed as special conservators of the peace; (xi) requiring a special conservator of the peace to report if he is arrested for, charged, with, or convicted of certain misdemeanor or felony offenses within 3 days; (xii) removing the option for a special conservator of the peace to be covered by a bond in lieu of insurance; (xiii) requiring all persons currently appointed or seeking appointment or reappointment as a special conservator of the peace to register with the Department; and (xiv) permitting localities to enter into mutual aid agreements with any entity employing special conservators of the peace that is located in such locality for the use of their joint forces and their equipment to maintain peace and good order. The bill provides that any existing special conservator of the peace has 36 months to comply with any new compulsory, minimum, entry-level training standards and requirements established following his appointment. This bill is identical to HB 2206.

### **SB 1217 Private police department; definition.**

An Act to amend and reenact §§ 2.2-3701 and 9.1-101 of the Code of Virginia, relating to private police departments.

#### *Summary as passed:*

**Private police departments.** Defines "private police department" as any police department that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department. The bill provides that the authority of a private police department is limited to real property owned, leased, or controlled by the entity and, if approved

by the local chief of police or sheriff, any contiguous property. The bill also provides that private police departments and private police officers shall be subject to and comply with the relevant laws and regulations governing municipal police departments and shall meet the minimum compulsory training requirements for law-enforcement officers. The bill provides further that any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department of Criminal Justice Services at that time may continue to operate as a private police department. provided that it complies with the necessary requirements. The private police departments so recognized by the Department are the Aquia Harbor Police Department, the Babcock and Wilcox Police Department, the Bridgewater Airpark Police Department, the Carilion Police and Security Services Department, the Kings Dominion Park Police Department, the Kingsmill Police Department, the Lake Monticello Police Department, the Massanutten Police Department, and the Wintergreen Police Department. The bill contains an emergency clause. This bill is a recommendation of the Virginia State Crime Commission. This bill incorporates SB 939 and is identical to HB 1606.

**SB 1218 Autocycles; exempted from motor vehicle emissions inspection program.**

An Act to amend and reenact § 46.2-1177 of the Code of Virginia, relating to the motor vehicle emissions inspection program.

*Summary as passed Senate:*

**Motor vehicle emissions inspection program; autocycles.** Exempts autocycles that have not been emissions certified with an on-board diagnostic system by the U.S. Environmental Protection Agency from the motor vehicle emissions inspection program. This bill is identical to HB 1341.

**SB 1220 Following too closely.**

An Act to amend and reenact § 46.2-816 of the Code of Virginia, relating to following too closely.

*Summary as introduced:*

**Following too closely.** Includes bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds among vehicles that the driver of a motor vehicle shall not follow more closely than is reasonable. This bill is identical to HB 1342.

**SB 1231 Cigarettes; possession with intent to distribute contraband, fraudulent purchase.**

An Act to amend and reenact § 58.1-1017.1 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 10 of Title 58.1 a section numbered 58.1-1017.3, relating to cigarettes; contraband; fraudulent purchase; penalties.

*Summary as passed:*

**Cigarettes; possession with intent to distribute contraband; fraudulent purchase; penalties.** Lowers the felony threshold for possession with intent to distribute tax-paid cigarettes from 500 cartons to 200 cartons and creates a criminal offense and civil penalties for purchasing cigarettes using a forged business license, a forged or invalid Virginia sales and use tax exemption certificate, or a business license or sales and use tax exemption certificate obtained under false pretenses. This bill is a recommendation of the Virginia State Crime Commission and is identical to HB 1807.

**SB 1232 Administration and enforcement of cigarette laws.**

An Act to amend and reenact §§ 58.1-1000 and 58.1-1007 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-4206.01, relating to authorized holders of cigarettes.

*Summary as enacted with Governor's Recommendations:*

**Administration and enforcement of cigarette laws.** Modifies several provisions relating to the administration and enforcement of Virginia's cigarette laws by prohibiting persons convicted of certain offenses from being authorized holders, requiring the Office of the Attorney General to place on its website a list of individuals ineligible to be an authorized holder, and authorizing additional entities to audit and inspect records of persons receiving, storing, selling, handling, or transporting cigarettes. This bill is a recommendation of the Virginia State Crime Commission and is identical to HB 1955.

**SB 1235 Cannabidiol oil and THC-A oil; recommendation and dispensing.**

An Act to amend and reenact § 18.2-250.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-3408.3, relating to possession or distribution of marijuana for medical purposes; epilepsy.

*Summary as passed Senate:*

**Possession or distribution of marijuana for medical purposes; epilepsy.** Provides an affirmative defense in a prosecution for the possession of marijuana if the marijuana is in the form of cannabidiol oil or THC-A oil possessed pursuant to a valid written certification issued by a practitioner of medicine or osteopathy licensed by the Board of Medicine for purposes of treating or alleviating a patient's symptoms of intractable epilepsy. The bill provides that a practitioner shall not be prosecuted for distribution of marijuana under the circumstances outlined in the bill. The bill contains an emergency clause. This bill is identical to HB 1445.

**SB 1241 Drugs forfeited to law enforcement; disposal when no longer needed for research and training.**

An Act to amend and reenact § 19.2-386.23 of the Code of Virginia, relating to disposal of seized drugs; law-enforcement training and research.

*Summary as passed:*

**Drugs forfeited to law enforcement; research and training.** Amends the provision that allows seized drugs to be forfeited to a law-enforcement agency for research and training purposes pursuant to a court order to require the law-enforcement agency to destroy such drugs when they are no longer needed for research and training purposes; under current law, drugs must be destroyed within 12 months of being obtained.

**SB 1258 Corrections, Department of; interstate transportation of prisoners.**

An Act to amend and reenact §§ 53.1-10 and 53.1-31.1 of the Code of Virginia, relating to Department of Corrections; interstate transportation of prisoners.

*Summary as introduced:*

**Department of Corrections; interstate transportation of prisoners.** Authorizes corrections personnel of other states and the United States to retain jurisdiction over any prisoner they transport within the Commonwealth. The bill also authorizes staff of the Department of Corrections to transport prisoners across state lines and clarifies that they retain authority over such prisoners during such transport. In addition, the bill authorizes the Director of the Department of Corrections to enter into reciprocal agreements with other states' corrections agencies governing such transports.





### **SB 1259 Salvage, nonrepairables, and rebuilt vehicles; requirements and practices of certain dealers.**

An Act to amend and reenact §§ 46.2-1600, 46.2-1601, 46.2-1602, 46.2-1603.2, 46.2-1605, 46.2-1608, and 46.2-1608.2 of the Code of Virginia, relating to salvage, nonrepairable, and rebuilt vehicles; penalty.

*Summary as passed Senate:*

**Salvage and rebuilt vehicles; penalty.** Enhances and clarifies certain requirements and practices relating to the licensing and activities of vehicle demolishers, rebuilders, salvage dealers, salvage pools, scrap metal processors, and vehicle removal operators. This bill is identical to HB 2184.

### **SB 1264 Involuntary admission and incapacity information; access by law-enforcement.**

An Act to amend and reenact §§ 19.2-389, 37.2-819, and 64.2-2014 of the Code of Virginia, relating to law-enforcement access to involuntary admission and incapacity information.

*Summary as passed:*

**Law-enforcement access to involuntary admission and incapacity information.** Provides that certain information related to persons adjudicated incapacitated or ordered to involuntary inpatient or outpatient treatment or to persons who were subject to a temporary detention order who agreed to voluntary admission may be disseminated to a full-time or part-time employee of a law-enforcement agency for purposes of the administration of criminal justice.

### **SB 1290 Criminal cases; venue for prosecution.**

An Act to amend and reenact §§ 19.2-244 and 19.2-247 of the Code of Virginia, relating to venue in criminal cases.

*Summary as passed:*

**Venue in criminal cases.** Provides that if it cannot readily be determined where a crime was committed in the Commonwealth, venue for the prosecution of the crime may be had in any county or city (i) in which the defendant resides, (ii) in which the defendant is apprehended if he is a nonresident or (iii) in which any related offense was committed if he is a nonresident and is



not apprehended in the Commonwealth. The bill also provides that venue for offenses related to a homicide offense may be had in the same county or city as venue for the homicide offense. The bill further provides that venue for homicide offenses may be had in any county or city where any part of the victim's body is found.

**SB 1301 Unmanned aircraft systems; use by public bodies during execution of a search warrant, exception.**

An Act to amend the Code of Virginia by adding in Chapter 5 of Title 19.2 a section numbered 19.2-60.1, relating to use of unmanned aircraft systems by public bodies; search warrant required.

*Summary as passed:*

**Use of unmanned aircraft systems by public bodies; search warrant required.** Replaces the moratorium currently set to expire on July 1, 2015, on the use of unmanned aircraft systems by state and local law-enforcement and regulatory entities, except in defined emergency situations or in training exercises related to such situations, with an absolute prohibition on the use of unmanned aircraft systems by such law-enforcement and regulatory entities unless a search warrant has been obtained prior to such use. The warrant requirement does not apply to (i) utilization of such systems to support the Commonwealth for purposes other than law enforcement; (ii) certain search and rescue operations; (iii) certain Virginia National Guard and United States Armed Forces functions; (iv) research and development conducted by institutions of higher education or other research organizations; or (v) the use of unmanned aircraft systems for private, commercial, or recreational use.

**SB 1303 Trooper Donald E. Lovelace Memorial Bridge; designating as Route 134 bridge over U.S. Route 17.**

An Act to designate the Route 134 bridge that crosses U.S. Route 17 in York County the "Trooper Donald E. Lovelace Memorial Bridge."

*Summary as introduced:*

**Designating the Trooper Donald E. Lovelace Memorial Bridge.** Designates the Route 134 bridge that crosses U.S. Route 17 in York County the "Trooper Donald E. Lovelace Memorial Bridge."



**SB 1304 Trooper Garland Matthew Miller Memorial Bridge; designating as Barlow Road overpass over I 64.**

An Act to designate the Barlow Road overpass that crosses Interstate 64 in York County the "Trooper Garland Matthew Miller Memorial Bridge."

*Summary as introduced:*

**Designating the Trooper Garland Matthew Miller Memorial Bridge.** Designates the Barlow Road overpass that crosses Interstate 64 in York County the "Trooper Garland Matthew Miller Memorial Bridge."

**SB 1307 Search warrants; collection of evidence from computers, computer networks, or other device.**

An Act to amend and reenact § 19.2-53 of the Code of Virginia, relating to search warrants for computers, computer networks, and other electronic devices.

*Summary as passed:*

**Search warrants; computers, networks, and other electronic devices.** Clarifies that a search warrant that authorizes the lawful seizure of digital evidence from a computer, computer network, or other device containing electronic or digital information includes the search and seizure of the physical components and the electronic or digital information contained in such computer, computer network, or other device. The bill also provides that any search, including the search of any computer, computer network, or other device, may be conducted in any location and not just the location where the evidence was seized. The bill provides that its provisions are declaratory of existing law.

**SB 1311 Prisoners; sheriff, etc., to notify victim as soon as practicable of transfer.**

An Act to amend and reenact §§ 53.1-133.02 and 53.1-160 of the Code of Virginia, relating to notice to be given to victim upon prisoner transfer.

*Summary as introduced:*

**Notice required upon transfer of prisoner.** Requires the sheriff, superintendent, or Department of Corrections to give notice to any victim of the offense for which a prisoner was incarcerated as soon as practicable following the transfer of such prisoner. Under current law, such notice must be given at least 15 days prior to the transfer.



**SB 1325 Nicotine Vapor products; prohibits purchase, etc., by minors, packaging, civil penalty.**

An Act to amend and reenact § 18.2-371.2 of the Code of Virginia and to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 23.2, consisting of sections numbered 59.1-293.10 and 59.1-293.11, relating to purchase, etc., of tobacco products by minors; liquid nicotine packaging; penalty.

*Summary as enacted with Governor's Recommendations:*

**Purchase, etc., of tobacco products by minors; liquid nicotine packaging; penalty.** Provides that no person shall sell or distribute at retail a liquid nicotine container on or after October 1, 2015, unless the container is packaged in child-resistant packaging. The bill allows existing inventory to be sold until January 1, 2016. Any person who violates the child-resistant packaging requirements is guilty of a Class 4 misdemeanor. The bill also provides that any adult may sign for tobacco products, nicotine vapor products, or alternative nicotine products purchased through mail order or the Internet. Current law requires the signature of the purchaser. This bill is identical to HB 2036.

**SB 1358 Virginia Port Authority police powers.**

An Act to amend and reenact § 62.1-132.12 of the Code of Virginia, relating to police powers of the Virginia Port Authority.

*Summary as introduced:*

**Virginia Port Authority police powers.** Expands the police powers of the Virginia Port Authority by allowing the Authority to employ special police officers on property owned, leased, or operated by the Authority or its subsidiaries. This bill is identical to HB 2273.

**SB 1361 Incarcerated persons; transfer to U.S. Immigration and Customs Enforcement.**

An Act to amend the Code of Virginia by adding in Chapter 10 of Title 53.1 a section numbered 53.1-220.2, relating to transfer of incarcerated persons to Immigration and Customs Enforcement.

*Summary as passed Senate:*

**Inmates; U.S. Immigration and Customs Enforcement; detainers.** Allows the custodian of a state or local inmate to transfer custody of an incarcerated alien to U.S. Immigration and Customs Enforcement no more than five days before the date on which such inmate would otherwise be released if the custodian receives a detainer from U.S. Immigration and Customs Enforcement. The bill requires that, upon such transfer of custody, the alien receive credit for the number of days remaining before he would otherwise have been released. This bill is identical to HB 2043.

**SB 1371 Virginia Public Procurement Act (VPPA); methods of procurement.**

An Act to amend and reenact §§ 2.2-2012, 2.2-4301, 2.2-4302.2, 2.2-4303, 2.2-4304, 2.2-4343, 23-38.110, and 33.2-283 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.2-4303.1 and 2.2-4303.2, relating to the Virginia Public Procurement Act; methods of procurement; job order contracting and cooperative procurement.

*Summary as passed:*

**Virginia Public Procurement Act (VPPA); methods of procurement; job order contracting and cooperative procurement.** Clarifies that small purchase procedures include the procurement of non-transportation-related construction and that any such procedures shall not waive compliance with the Uniform State Building Code. The bill adds independent agencies of the Commonwealth to the definition of public body under the VPPA. The bill also increases contract amounts for job order contracting and provides that (i) order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed is prohibited; (ii) no public body shall issue or use a job order, under a job order contract, solely for the purpose of receiving professional architectural or engineering services that constitute the practice of architecture or the practice of engineering as those terms are defined in § 54.1-400; however, professional architectural or engineering services may be included on a job order where such professional services are (a) incidental and directly related to the job, (b) do not exceed \$25,000 per job order, and (c) do not exceed \$75,000 per contract term; and (iii) job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. The bill clarifies the provisions of the VPPA relating to cooperative procurement and requires that by October 1, 2017, the Department of Small Business and Supplier Diversity, public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005, any state agency utilizing job order contracting, and the Virginia Association of Counties, the Virginia

Municipal League, and the Virginia Association of Governmental Purchasing, on behalf of local public bodies, working cooperatively, report their respective experiences and findings relating to the appropriateness and effectiveness of job order contracting in general, the job order project cost limitations as added by this bill, and the architectural and professional engineering term contract limits to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology. The bill also requires, for construction projects in excess of \$2 million, that a public body, including public institutions of higher education, provide its justification for use of any procurement method other than competitive sealed bidding to the Director of the Department of General Services. The bill requires the State Corporation Commission (SCC) to develop a process for the administrative review of its procurement decisions that is consistent with the Constitution of Virginia. The bill further provides that its provisions shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by the bill, shall apply to any renewal of a job order contract. The bill contains numerous technical amendments and is a recommendation of the General Laws Special Joint Subcommittee Studying the Virginia Public Procurement Act. This bill is identical to HB 1835.

### **SB 1377 State-owned communication towers; charges for use.**

An Act to amend and reenact § 2.2-1150.2 of the Code of Virginia, relating to Department of General Services; state-owned communication towers; charges for use.

*Summary as introduced:*

**Department of General Services; state-owned communication towers; charges for use.** Removes the requirement that the amount charged to lease use of a state-owned communication tower be commensurate with the amount paid for use of comparable space on similar towers.

### **SB 1380 Schedule I drugs.**

An Act to amend and reenact § 54.1-3446 of the Code of Virginia, relating to Schedule I drugs.

*Summary as introduced:*

**Schedule I drugs.** Adds N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name: AB-CHMINACA), N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name: 5-fluoro-AMB), and 3,4-methylenedioxy-N,N-

dimethylcathinone (other names: Dimethylone, bk-MDDMA) to Schedule I of the Drug Control Act, in accordance with the action of the Board of Pharmacy adding these substances to Schedule I pursuant to § 54.1-3443. This bill is identical to HB 1564.

**SB 1424 Conflicts of Interests Act, State & Local Gov't & General Assembly, etc.; ethics reforms.**

An Act to amend and reenact §§ 2.2-115, 2.2-206.2, 2.2-419, 2.2-420, 2.2-424, 2.2-426, 2.2-430, 2.2-431, 2.2-3101, 2.2-3103.1, 2.2-3104, 2.2-3104.01, 2.2-3106, 2.2-3114 through 2.2-3118, 2.2-3121, 2.2-3124, 30-101, 30-103.1, 30-110, 30-111, 30-124, 30-126, 30-355, 30-356, and 30-357 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-3103.2, by adding in Article 2 of Chapter 13 of Title 30 a section numbered 30-103.2, and by adding a section numbered 30-356.1, relating to the State and Local Government Conflict of Interests Act, the General Assembly Conflicts of Interests Act, and the Virginia Conflict of Interest and Ethics Advisory Council; certain gifts prohibited; approvals required for certain travel.

*Summary as enacted with Governor's Recommendations:*

**State and Local Government Conflict of Interests Act, General Assembly Conflicts of Interests Act, and Virginia Conflict of Interest and Ethics Advisory Council; certain gifts prohibited; approvals required for certain travel.** Removes the distinction between tangible and intangible gifts and prohibits any state or local officer or employee, member of the General Assembly, and certain candidates from soliciting, accepting, or receiving within any calendar year a single gift with a value exceeding \$100 or a combination of gifts with a value exceeding \$100 from certain persons; however, such prohibition does not apply to gifts from personal friends. The bill also prohibits the immediate family of such officers, employees, members, or candidates from soliciting, accepting, or receiving such gifts. The bill provides an exception for gifts received at widely attended events, which are those events at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event. The bill requires disclosure of any single gift or entertainment, or any combination of gifts or entertainment, with a value exceeding \$50. The bill also requires persons subject to the Conflict of Interest Acts to request approval from the Virginia Conflict of Interest and Ethics Advisory Council (the Council) and receive the approval of the Council prior to accepting or receiving any travel-related transportation, lodging, meal, hospitality, or other thing of value provided by certain third parties that has a value exceeding \$100. The bill modifies the current composition of the Council, reducing the number of members from 15 to 9

and requires that there be bipartisan balance of the General Assembly members appointed to the Council. The bill requires electronic filing of disclosure forms with the Council and provides that local officers and employees will file disclosure forms locally instead of with the Council. The bill provides that the making of a knowing and intentional false statement on a disclosure form is punishable as a Class 5 felony. The bill also prohibits the Governor, his campaign committee, and any political action committee established on his behalf from knowingly soliciting or accepting a contribution, gift, or other item with a value greater than \$100 from persons and entities seeking loans or grants from the Commonwealth's Development Opportunity Fund, restricts such gifts and contributions from persons and entities seeking loans or grants from the Fund, and provides that any violation shall result in a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater. The bill has a delayed effective date of January 1, 2016, except the provisions of the bill related to the Council and its duties become effective July 1, 2015. This bill incorporates SB 735, SB 752, SB 812, SB 1267, SB 1278, and SB 1289 and is identical to HB 2070.

#### **SB 1427 Breastfeeding in public places; mother's right.**

An Act to amend the Code of Virginia by adding in Title 32.1 a chapter numbered 17, consisting of a section numbered 32.1-370, relating to the right to breastfeed in public places.

*Summary as introduced:*

**Right to breastfeed in public places.** Provides that a mother may breastfeed in any place where the mother is lawfully present. Current law allows breastfeeding on any property owned, leased, or controlled by the Commonwealth. This bill is identical to HB 1499.

#### **SB 1430 Salvage license; salvage advertising and display.**

An Act to amend and reenact § 46.2-1601.1 of the Code of Virginia, relating to salvage advertising and display of salvage license.

*Summary as passed:*

**Display of salvage license numbers.** Prohibits advertising to the public the sale, transport, delivery, removal, or receipt of a salvage or nonrepairable vehicle, or the major component parts of such vehicle, unless the seller is a licensee or an exempt individual. The bill requires a licensee advertiser to display its salvage license number in such advertisement and to state in any such advertisement placed in a newspaper, online, or by other electronic means the

company's name, address, and telephone number in addition to its salvage license number. This bill is identical to HB 2342.

**SB 1434 Dead bodies; disposition, identification of decedent.**

An Act to amend and reenact §§ 32.1-309.1 and 32.1-309.2 of the Code of Virginia, relating to disposition of dead bodies.

*Summary as introduced:*

**Disposition of dead bodies.** Provides that in cases in which the identity of a decedent and the county or city in which the decedent resided at the time of death are known, the person or institution having initial custody of the dead body shall notify the primary law-enforcement agency for the county or city in which the decedent resided of the decedent's death, and such law-enforcement agency shall make good faith efforts to identify and notify the decedent's next of kin. Currently, the primary law-enforcement agency for the county or city in which the person or institution having initial custody of the dead body is located is responsible for making good faith efforts to identify the decedent and notify the decedent's next of kin.

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