

2017 Legislative Update – Master List

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INSTRUCTIONS:

Rely only on the final version of the legislation itself. To see new language:

- 1. Click bill number [hyperlink](#) to get the full history of the bill, then**
- 2. Click on "Governor: Act of Assembly, Chapter text" to see final bill language, then**
- 3. Click on the "hilite" button at the top right to see new language highlighted in yellow.**

New laws are effective on July 1, 2017, unless 1) they include an emergency clause making the law effective upon the Governor's signature, or 2) they include a delayed enactment clause.

I. Alcoholic Beverage Control (ABC)

[HB 1801](#) (Barry D. Knight): **Alcoholic beverage control (ABC); delivery privileges of persons holding a wine and beer license.** Provides that notwithstanding any provision of law to the contrary, persons granted a wine and beer license may deliver such wine or beer in closed containers for off-premises consumption (i) to a person's vehicle if located in a designated parking area of the retailer's premises where such person has electronically ordered wine or beer in advance of the delivery or (ii) if the licensee holds a delivery permit issued by the ABC Board, to such other locations as may be permitted by Board regulation. The bill contains technical amendments. Amends §§ [4.1-209](#), [4.1-325](#), as it is currently effective and as it shall become effective, and [4.1-325.2](#), relating to alcoholic beverage control; delivery privilege of persons holding a wine and beer license.

II. Animals

[HB 2381](#) (Matt Fariss): **Dangerous dogs.** Allows a law-enforcement or animal control officer to determine, without going before a judge, that a dog that has bitten a companion animal or person is not dangerous if the officer makes specific findings. In the case of a dog that has bitten a person, the officer can find that a dog is not dangerous if the injury is minor. The bill allows a court to use good cause as a reason to determine that a dog is not dangerous. The bill also reduces from 45 days to 30 days the period within which (i) an owner of a dog found to be dangerous is required to obtain a dangerous dog registration certificate and (ii) a convicted owner of a dangerous dog is required to comply with certain provisions. § [3.2-6540](#). Control of dangerous dogs; penalties.

[SB 852](#) (William Stanley): **Pet shops; procurement of dogs from unlicensed dealers.** The bill prohibits a pet shop from selling a dog procured from someone who knowingly obtained the dog directly or indirectly from a person with who has prior violations from the U.S. Department of Agriculture (USDA). § [3.2-6511.1](#). Pet shops; procurement of dogs; penalty.

[SB 906](#) (Scott Surovell): **Introduction of snakehead fish; penalty.** Prohibits the introduction of snakehead fish from any location into state waters, punishable as Class 1 Misdemeanor. Current law only prohibits the introduction of snakehead fish from outside the Commonwealth. § [18.2-313.2](#). Introduction of snakehead fish or zebra mussel; penalty.

III. Court – Fines, Costs & Restitution

[HB 1855 / SB 1284](#) (Robert Bell / Mark Obenshain): **Restitution; form order, enforcement, noncompliance; etc.** Formalizes restitution by requiring the court to order all the necessary terms to enforce restitution, including amount of restitution, date by which restitution is to be paid and the terms of repayment. Also requires clerks to submit quarterly reports to the Commonwealth's Attorney and probation. The bill was a recommendation of the Virginia State Crime Commission. § [19.2-305.1](#). Restitution for property damage or loss; community service.

[HB 2338](#) (Robert Bell): **Restitution; priority of payments.** Provides that whenever a defendant owes court-ordered restitution payments, any money collected shall be used first to satisfy such restitution order and any collection costs associated with restitution prior to being used to satisfy any other fines or costs owed by the defendant. § [19.2-305.1](#). Restitution for property damage or loss; community service.

[HB 2386 / SB 854](#) (George Loupassi / William Stanley, Jr.): **Collection of unpaid court fines, etc.** Provides a longer grace period for fines and costs. The bill also establishes the creation of payment agreements that must be offered to defendants who are unable to pay fines and costs. Amends and reenacts §§ [19.2-349](#) and [19.2-354](#) and adds [19.2-354.1](#), relating to collection of unpaid court fines, etc.

IV. Criminal Background Checks

[HB 2066](#) (Michael P. Mullin): **Criminal history record information; National Crime Prevention and Privacy Compact of 1998.** Authorizes Virginia to become a signatory to the National Crime Prevention and Privacy Compact of 1998. The Compact allows member states to exchange criminal history records for noncriminal justice purposes according to the laws of the requesting state. § [19.2-387.2](#). National Crime Prevention and Privacy Compact of 1998.

[HB 2391 / SB 1293](#) (N.D. "Rocky" Holcomb III/Ryan McDougle): **Department of Human Resources Management; criminal background checks; state agency positions designated as sensitive; agencies to report to the Department.** Requires each state agency to continue to record in the Personnel Management Information System (PMIS) positions that it has designated as sensitive to ensure that the Department of Human Resources Management has a list of all such positions. The bill clarifies who would be subject to a criminal background investigation in a sensitive position. The bill expands the definition of sensitive position to include those positions (i) responsible for the health, safety, and welfare of citizens or the protection of critical infrastructures; (ii) that have access to sensitive information, including access to Federal Tax Information in approved exchange agreements with the Internal Revenue Service or Social Security Administration; and (iii) that are otherwise required by state or federal law to be designated as sensitive. The bill contains an emergency clause. Amends §§ [2.2-1201.1](#) and [19.2-389](#), relating to the Department of Human Resources Management; authority to conduct criminal background checks; state agencies positions that are designated as sensitive; agencies to report to the Department.

[SB 1506](#) (John A. Cosgrove): **Applicant Fingerprint Database; Federal Bureau of Investigation records.** Authorizes the Department of State Police to submit fingerprints and accompanying records to the FBI to be advised through the FBI's Next Generation Identification Rap Back service when an individual subject to a criminal background check as a condition of licensure, certification, employment, or volunteer service with an agency or entity is arrested for, or convicted of, a criminal offense not reported to the Department that would disqualify that individual from such licensure, certification, employment, or volunteer service. § [52-46](#). Applicant Fingerprint Database; maintenance; dissemination; penalty.

V. Drugs – Opioid Epidemic

[HB 1453 / SB 848](#) (Dave LaRock / Jennifer Wexton): **Dispensing of naloxone.** Allows Department of Behavioral Health and Developmental Services to dispense naloxone, a drug that can treat an opioid overdose by temporarily reversing the effects opioids have on the brain and respiratory system, to people whom they have trained to use it, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber, (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, and (iii) without charge or compensation. The bill also provides for immunity for those who dispense naloxone if he acts in good faith. Amends and reenacts §§ [8.01-225](#) and [54.1-3408](#), relating to dispensing of naloxone.

[HB 1642 / SB 1031](#) (Patrick Hope / David Marsden): **Possession and administration of naloxone.** Adds employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, and employees of the Department of General Services Division of Consolidated Laboratory Services to the list of individuals who may possess and administer naloxone or other opioid antagonist, provided that they have completed a training program. § [54.1-3408](#). Professional use by practitioners.

[HB 1750](#) (John O'Bannon): **Dispensing of naloxone; patient-specific order not required.** Provides that a pharmacist may dispense naloxone in the absence of a patient-specific prescription pursuant to a standing order issued by the Commissioner of Health authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient 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. § [54.1-3408](#). Professional use by practitioners.

[HB 1786 / SB 1086](#) (Christopher Stolle / Jennifer Wexton): **In utero exposure to a controlled substance.** Requires local departments of social services to collect information during a family assessment to determine whether the mother of a child who was exposed in utero to a controlled substance sought substance abuse counseling or treatment prior to the child's birth. The bill requires mandated reporters of suspected child abuse or neglect to make a report if certain findings are made by a health care provider. The bill provides that if a local department of social services receives a report or complaint of suspected child abuse or neglect on the basis of one or more of the aforementioned factors, the local department shall (a) conduct a family assessment, unless an investigation is required by law or is necessary to protect the safety of the child, and (b) develop a plan of safe care in accordance with federal law. One intention of the legislation is to connect the mother to treatment if necessary and provide

services to ensure the safety of both the mother and the child. Amends and reenacts §§ [63.2-1505](#), [63.2-1506](#), and [63.2-1509](#), relating to in utero exposure to a controlled substance.

[HB 1885](#) / [SB 1232](#) (Timothy Hugo / Siobhan Dunnavant): **Limits on prescription of controlled substances containing opioids.** Requires a prescriber registered with the Prescription Monitoring Program to request information about a patient who is being prescribed opiates. § [54.1-2522.1](#). (Effective until July 1, 2019) Requirements of prescribers.

[HB 2165](#) / [SB 1230](#) (Todd Pillion / Siobhan Dunnavant): **Opiate prescriptions; electronic prescriptions.** Requires all opioid prescriptions to be transmitted to a pharmacy by electronic means. The bill also creates a workgroup to study how to best implement the change. Electronic prescribing for controlled substances (EPCS) is believed to reduce prescription fraud and drug abuse. Virginia joins New York, Minnesota and Maine in mandating EPCS. Amends and reenacts §§ [54.1-3401](#), [54.1-3408.02](#), and [54.1-3410](#) relating to prescriptions for controlled substances containing opiates; electronic prescription.

[HB 2317](#) (John O'Bannon): **Comprehensive harm reduction program; public health emergency.** Authorizes the Commissioner of Health to institute a needle exchange program in at-risk communities to reduce the spread of infectious diseases from needles used to shoot heroin and other drugs (in 2016, there were more than 8,000 cases of hepatitis C in VA in comparison to an estimated 2,800 in 2010). The program will exchange dirty syringes for clean ones, offer testing for hepatitis C and HIV, and connect people to addiction treatment. The law doesn't set a limit on how many needles an individual addict will be allowed, only that the person must accept information about treatment programs. Proponents say that syringe service participants (SSPs) are five times more likely to enter a drug treatment program, as well as to reduce or stop injecting and that SSPs do not increase crime or the unsafe illegal injection of drugs. The bill requires the Department of Health to report to the General Assembly about the effectiveness of the program. The bill has an expiration date of July 1, 2020. Amends and reenacts § [54.1-3467](#) and adds [32.1-45.4](#) relating to harm reduction programs; public health emergency; dispensing and distributing needles and syringes.

VI. Drugs – Other

[HB 1610](#) / [SB 1546](#) (T. Scott Garrett / Jill Vogel): **Drug Control Act; Schedule I.** Adds certain chemical substances to Schedule I of the Drug Control Act and removes two substances, benzylfentanyl and thienylfentanyl, from Schedule I. § [54.1-3446](#). Schedule I.

[HB 1913](#) / [SB 1390](#) (Richard Anderson / Janet Howell): **Purchase of cigarettes for resale; penalties.** Targets cigarette smuggling operations. Creates a new requirement that purchasers of cigarettes for resale must apply for a special cigarette exemption certificate from the Department of Taxation in order to not be liable for the payment of sales tax at the time of the purchase. The bill creates recordkeeping requirement for the sale or distribution of any quantity of cigarettes in excess of 50 cartons, or with a value greater than \$10,000 in any single sale. Amends and reenacts §§ [58.1-623](#), [58.1-1000](#), and [58.1-1017.3](#) and adds [58.1-623.2](#) and [58.1-1017.4](#), relating to the purchase of cigarettes for resale; penalties.

[HB 2051](#) / [SB 1091](#) (Les Adams / Adam Ebbin & William Stanley, Jr.): **Driver's license; marijuana possession.** Removes the requirement (but allows the court discretion) to suspend the driver's license for first offender dispositions on possession of marijuana charges against adults, except that the court must suspend or revoke the driver's license if the person was operating a motor vehicle at the time of the offense. The bill requires that the court to impose 50 hours of community service if the license is not suspended or revoked as part of the deferred disposition. The provisions of the bill are contingent upon written assurance from the U.S. Department of Transportation that Virginia will not lose any federal funds as a result of implementation of the bill. Amends and reenacts §§ [18.2-251](#), [18.2-259.1](#), and [46.2-390.1](#), relating to marijuana offenses; driver's license forfeiture.

[HB 2470](#) (S. Chris Jones): **Drug Control Act; Schedule II and Schedule V.** Adds thiafentanil to Schedule II of the Drug Control Act and brivaracetam to Schedule V of the Drug Control Act. § [54.1-3448](#). Schedule II.

[SB 1027](#) (Dave Marsden): **Cannabidiol oil and THC-A oil; permitting of pharmaceutical processors to manufacture and provide.** In 2015, the General Assembly passed legislation creating an affirmative defense for a patient with a written certification from a licensed physician to possess CBD oil and ThC-A oil to treat patients with intractable epilepsy but did not provide a way for the patient to legally obtain them. In 2016, a bill passed to create a way to process and provide THC-A and CBD Oils for patients with intractable epilepsy by requiring the Board of Pharmacy to create regulations to safely and securely provide the medications. This bill provides for in-state production of CBD oil and ThC-A oil under license and under supervision of a pharmaceutical processor. The bill sets up specific requirements and limits to production and distribution of the oils. The bill also provides an affirmative

defense for pharmaceutical processors, patients and their guardians in a prosecution for the manufacture, possession, or distribution of marijuana. The legislature rejected legislation to expand which diseases can be treated by the oils to include cancer and more than a dozen other diseases or conditions. Amends and reenacts §§ [18.2-250.1](#) and [54.1-3408.3](#) and adds [54.1-3442.5](#) through [54.1-3442.8](#), relating to cannabidiol oil and THC-A oil; permitting of pharmaceutical processors to manufacture and provide.

VII. Driving Under the Influence (DUI)

[HB 1622](#) (Christopher Collins): **Driving commercial vehicle while intoxicated; penalties.** Harmonizes the penalties for driving under the influence (DUI) and commercial DUI. § [46.2-341.28](#). Penalty for driving commercial motor vehicle while intoxicated; subsequent offense; prior conviction.

[HB 2231](#) (Jackson Miller): **Ignition interlock; duration; installation.** Calculates the length of time required to have ignition interlock on a motor vehicle from the date the court issues the restricted license. Purpose of bill is to ensure that people do not get credit for having ignition interlock during time when they weren't driving. Amends and reenacts §§ [18.2-270.1](#) and [18.2-271.1](#), relating to ignition interlock; duration; installation.

[HB 2327](#) (Christopher Collins): **DUI; implied consent; refusal of blood or breath tests.** Eliminates the criminal penalties for refusing to submit to a blood test to determine the alcohol or drug content of a defendant's blood upon arrest for a DUI-related offense under the law on implied consent. Increases penalty for 2nd offense refusing to submit to a breath test to a Class 1 misdemeanor. Changes the language required on the refusal form to conform to the current law. Extends the statutory presumptions that a person is intoxicated to blood tests performed by the Department of Forensic Science pursuant to a search warrant, if the procedures outlined in the implied consent statutes are followed. DFS will keep all blood, including search warrant blood, and will destroy all blood after 90 days unless defense asks for independent testing or Commonwealth requests in writing for samples to be returned. Provides that an application for a search warrant to perform a blood test on a person suspected of committing a DUI-related offense shall be given priority over matters that do not involve an imminent risk to another's health or safety. This bill is in response to the U.S. Supreme Court decision in *Birchfield v. North Dakota*, 136 S. Ct. 2160 (2016). Amends and reenacts §§ [8.01-44.5](#), [15.2-1627](#), [16.1-228](#), [16.1-241](#), [16.1-278.8](#), [16.1-278.9](#), [16.1-309](#), [18.2-268.3](#), [18.2-268.4](#), [18.2-268.7](#), [9](#), [18.2-269](#), [18.2-272](#), [19.2-52](#), [19.2-73](#), [29.1-738.3](#), [46.2-341.26:2](#), [46.2-341.26:3](#), [46.2-341.26:4](#), [46.2-341.26:7](#), [46.2-341.26:9](#), [46.2-341.27](#), [46.2-391.2](#), [46.2-391.4](#), and [46.2-2099.49](#), relating to DUI; implied consent; refusal of blood or breath tests.

[SB 1564](#) (Thomas K. Norment): **DUI; search warrants for blood withdrawals.** Provides that an application for a search warrant to perform a blood test on a person suspected of committing a DUI-related offense shall be given priority over matters that do not involve an imminent risk to another's health or safety. § [19.2-52](#). When search warrant may issue.

VIII. Education/Schools

[HB 1392](#) (L. Scott Lingamfelter): **School security officers; carrying a firearm in performance of duties.** Authorizes a school security officer to carry a firearm in the performance of his duties if (i) within 10 years immediately prior to being hired by the local school board he was an active law-enforcement officer in the Commonwealth; (ii) he retired or resigned from his position as a law-enforcement officer in good standing; (iii) he meets the training and qualifications to carry a concealed handgun as a retired law-enforcement officer; (iv) he has met the additional training and certification requirements of the Department of Criminal Justice Services (DCJS); (v) the local school board solicits input from the chief law-enforcement officer of the locality regarding the qualifications of the school security officer and receives verification from such chief law-enforcement officer that the school security officer is not prohibited by state or federal law from possessing, purchasing, or transporting a firearm; and (vi) the local school board grants him the authority to carry a firearm in the performance of his duties. The bill requires DCJS to establish additional firearms training and certification requirements for school security officers who carry a firearm in the performance of their duties. Existing law requires DCJS to establish minimum training and certification requirements for school security officers. Amends §§ [9.1-102](#), [18.2-308.1](#), and [22.1-280.2:1](#), relating to school security officers; carrying a firearm in performance of duties.

[HB 1401](#) (R. Steven Landes): **Public institutions of higher education; speech on campus.** Prohibits public institutions of higher education from abridging the constitutional freedom of any individual, including enrolled students, faculty and other employees, and invited guests, to speak on campus, except as otherwise permitted by the First Amendment to the United States Constitution. Adds § [23.1-900.1](#), relating to public institutions of higher education; speech on campus.

IX. Freedom of Information Act (FOIA)

HB 1539 (James M. LeMunyon): **Virginia Freedom of Information Act (FOIA); public access to records of public bodies.** Clarifies the definition of public record. The bill also (i) defines "personal contact information" that is excluded from FOIA's mandatory disclosure provisions in certain cases; (ii) clarifies that a requester has the right to inspect records or receive copies at his option; (iii) clarifies language in certain record exclusions under FOIA that certain records may be disclosed at the discretion of the custodian; (iv) consolidates the personnel record exclusion with the limitation on the application of that exclusion, and specifically clarifies that the name, in addition to position, job classification, and salary, of a public employee is public information as per opinions of the Attorney General and the FOIA Council; (v) eliminates, effective July 1, 2018, the exclusion for the Alcoholic Beverage Control Authority relating to operating and marketing strategies; (vi) eliminates the exclusion for correspondence of local officials as unnecessary; (vii) consolidates various public safety exclusions relating to building plans and drawings and critical infrastructure into a single exclusion; (viii) eliminates the exclusion for administrative investigations of the Department of Human Resource Management, as the exclusion is already covered under the personnel records exclusion; (ix) expands the exclusion for personal information provided to the Virginia College Savings Plan to cover qualified beneficiaries, designated survivors, and authorized individuals, which terms are defined in the bill; (x) consolidates the various record exclusions for the Department of Health Professions and the Department of Health into single exclusions for each Department; (xi) clarifies certain Department of Social Services exclusions; (xii) provides an exclusion for local finance boards that provide postemployment benefits other than pensions; and (xiii) eliminates the record exclusion for Virginia Wildlife Magazine. The bill also limits the application of the working papers exemption by stating that information publicly available or not otherwise subject to an exclusion under FOIA or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. The bill contains numerous technical amendments. This bill is a recommendation of the Freedom of Information Advisory Council pursuant to the **HJR 96** FOIA study (2014-2016). Amends §§ **2.2-3701, 2.2-3704, 2.2-3704.1, 2.2-3704.2, 2.2-3705.1** through **2.2-3705.8, 2.2-3711, 2.2-3714, 2.2-3806, 22.1-253.13:3, 22.1-279.8, 23.1-2425, 32.1-48.08, 32.1-48.011, 32.1-48.015, 32.1-283.1, 32.1-283.2, 32.1-283.3, 32.1-283.5, 32.1-283.6, 44-146.18, 44-146.22, 54.1-2517, and 54.1-2523**, relating to the Virginia Freedom of Information Act; public access to records of public bodies.

HB 1971 (James Massie, III): **Virginia Freedom of Information Act; record and meeting exclusions for multidisciplinary child abuse teams.** Excludes the records of a multidisciplinary team as they relate to individual child abuse or neglect cases or sex offenses involving a child from mandatory disclosure under the Virginia Freedom of Information Act. The bill also provides an exemption from open meeting requirements to such teams and sexual assault response teams. Amends and reenacts §§ **2.2-3705.7** and **2.2-3711**, relating to the Virginia Freedom of Information Act; record and meeting exclusions for multidisciplinary child sexual abuse response teams; meeting exclusion for criminal sexual assault response teams.

SB 1102 (Scott Surovell): **Virginia Freedom of Information Act; completed unattended death investigations; mandatory disclosure.** Requires that records of completed unattended death investigations be provided upon request to the parent or spouse of the decedent or, if there is no living parent or spouse, to the most immediate family member of the decedent. An unattended death is a death determined to be suicide, accident or natural death where no criminal charges will be initiated.) The bill also defines "immediate family member." § **2.2-3706**. Disclosure of criminal records; limitations.

X. Hearsay Exceptions

HB 1903 (Steve Heretik): **Admissibility of business records; criminal proceedings.** Extends to criminal proceedings the existing procedures in civil proceedings for the authentication and foundation necessary for the admission of a business record under the business records exception to the rule against hearsay. § **8.01-390.3**. Business records as evidence.

SB 1341 (Scott Surovell): **Digital certification of government records.** Provides for the Secretary of the Commonwealth, in cooperation with the Virginia Information Technologies Agency to develop standards for the use of digital signatures the authentication of digital records by state agencies. The bill further provides that state agencies may provide copies of digital records, via a website or upon request and may charge a fee of \$5 for each digitally certified copy of a record. Any digitally certified record submitted to a court in the Commonwealth shall be deemed to be authenticated by the custodian of the record. Amends and reenacts §§ **8.01-390** adds **2.2-3817, 2.2-3818, and 2.2-3819**, relating to the digital certification of government records.

XI. Hunting

[HB 1938](#) (James E. Edmunds, II): **Slingbow hunting; license.** Authorizes the use of a slingbow to hunt deer and small game when a hunter is licensed to hunt with a bow and arrow. Amends §§ [15.2-916](#), [15.2-1209](#), [18.2-285](#), [18.2-286](#), [29.1-303.3](#), [29.1-306](#), [29.1-519](#), [29.1-521](#), as it is currently effective and as it shall become effective, [29.1-521.2](#), [29.1-524](#), [29.1-525](#), [29.1-528.1](#), and [29.1-549](#), relating to slingbow hunting; license.

[HB 1939](#) (James E. Edmunds, II): **Hunting apparel; blaze pink.** Allows hunters to wear blaze pink instead of blaze orange hunting apparel when required during firearms deer hunting season or the special season for hunting deer with a muzzle-loading rifle. § [29.1-530.1](#). Blaze orange or blaze pink clothing required at certain times.

[HB 2255](#) (James E. Edmunds, II): **State junior bear hunting license; fee.** Creates a junior bear hunting license, separate from the combined big game hunting and junior hunting licenses, for any resident under the age of 16. The fee for such license is \$5.50. § [29.1-303.2:1](#). State junior resident bear hunting license; fee.

[SB 968](#) (Benton Chafin): **Hunting license; bear, deer, or turkey; electronic carry.** Removes the requirement that a license to hunt bear, deer, or turkey be carried in paper form, allowing it to be carried by electronic or computerized means. § [29.1-336](#). Carrying licenses and certificates; penalty.

XII. Law Enforcement

[HB 1590](#) (Jeffrey L. Campbell): **Duty of care to law-enforcement officers and firefighters; fireman's rule.** Provides that the common-law doctrine known as the fireman's rule, as described in the bill, shall not be a defense to certain claims. The fireman's rule is based on assumption of the usual risks of injury in such employment, whether caused by a negligent or a non-negligent act of the defendant. § [8.01-226](#). Duty of care to law-enforcement officers, firefighters, etc.

[HB 2067](#) (Michael Mullin): **Decertification of law-enforcement officers; notification.** Requires persons obligated to notify the Criminal Justice Services Board when a law-enforcement officer or jail officer has committed an act or been convicted of a crime that requires decertification to notify the Criminal Justice Services Board within 48 hours of becoming aware of such act or conviction. The bill requires that, upon such notification, decertification be immediate. Any conviction of a misdemeanor that has been appealed to a court of record shall not be considered a conviction unless a final order of conviction is entered. § [15.2-1707](#). Decertification of law-enforcement officers.

[HB 2329](#) (James Morefield): **Division of Capitol Police; arrest without warrant.** Adds members of the Division of Capitol Police to the list of officers authorized to arrest without a warrant in certain situations. § [19.2-81](#). (Effective until July 1, 2018) Arrest without warrant authorized in certain cases.

[HB 2336 / SB 1486](#) (Jackson Miller / Richard Stuart): **Report of law-enforcement officer involved in accident.** Provides that any law-enforcement officer who is listed as a driver in a motor vehicle accident report submitted to the Department of Motor Vehicles will not have the accident listed on his driving record if he was driving a motor vehicle provided by a law-enforcement agency in the course of his employment and was engaged in law-enforcement activity at the time of such accident. § [46.2-373.1](#). Report of law-enforcement officer involved in accident.

[SB 1594](#) (Jill Vogel): **Conservators of the peace; investigator employed by an attorney for the Commonwealth.** Designates an investigator who is employed by an attorney for the Commonwealth as a conservator of the peace, provided that such investigator was an active law-enforcement officer within 10 years immediately prior to being employed by the attorney for the Commonwealth and retired or resigned from that position in good standing. § [19.2-12](#). Who are conservators of the peace.

XIII. Memorials

[HB 1405 / SB 855](#) (M. Keith Hodges/K. Thomas Norment): **Designating the Trooper Chad Phillip Dermeyer Memorial Bridge.** Designates the State Route 143 bridge in the City of Newport News at exit 255 over Interstate 64 the "Trooper Chad Phillip Dermeyer Memorial Bridge."

[HB 1720](#) (Richard L. Anderson): **Flag at half staff or mast; public safety personnel.** Expands the category of flags required to be flown at half staff or mast when a service member, police officer, firefighter, or emergency medical services provider is killed in the line of duty to include flags flown at any building owned and operated by any political subdivision of the Commonwealth. In addition, the bill adds state correctional officers to the list of public safety personnel for whom such flags are flown at half staff or mast. § **18.2-488.1**. Flag at half staff or mast for certain public safety personnel killed in the line of duty.

XIV. Mental Health / Addiction

[HB 1426 / SB 1221](#) (T. Scott Garrett/George L. Barker): **Emergency custody or involuntary admission process; alternative transportation model.** Directs the Commissioner of Behavioral Health and Developmental Services and the Director of Criminal Justice Services, in conjunction with the relevant stakeholders, to develop a comprehensive model for the use of alternative transportation providers to provide safe and efficient transportation of individuals involved in the emergency custody or involuntary admission process as an alternative to transportation by law enforcement. The bill requires that the model be completed by October 1, 2017, and reported to the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century, the House Committee for Courts of Justice, and the Senate Committee for Courts of Justice.

[HB 1508 / SB 894](#) (Patrick Hope / Barbara Favola): **Department of Behavioral Health and Developmental Services; critical incident reports; licensed programs.** Requires the Commissioner of Behavioral Health and Developmental Services to provide a written report setting forth the known facts of serious injuries or deaths of individuals receiving services in programs operated or licensed by the Department of Behavioral Health and Developmental Services to the Director of the Commonwealth's designated protection and advocacy system within 15 working days of the serious injury or death. Currently, reports are required only for critical incidents or deaths occurring at facilities operated by the Department. § **37.2-304**. Duties of Commissioner.

[HB 1845](#) (M. Kirkland Cox): **Department of Criminal Justice Services; model addiction recovery program; jails.** Requires the Department of Criminal Justice Services, in consultation with the Department of Behavioral Health and Developmental Services, to develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. The bill provides that such programs shall be based on existing addiction recovery programs being administered by any local or regional jails in the Commonwealth and requires that participation in such program be voluntary and that such program address multiple aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process. Amends § **9.1-102**, relating to Department of Criminal Justice Services; model addiction recovery program; jails.

[HB 1882 / SB 1352](#) (Patrick Hope / Janet Howell): **Capital cases; replacing certain terminology.** Replaces the term "mental retardation" in all of its various iterations with a corresponding iteration of the term "intellectual disability" for purposes of the statutes governing capital cases. The U.S. Supreme Court has held in *Hall v. Florida*, 134 S. Ct. 1986 (2014), that the terms describe the identical phenomenon. This bill is a recommendation of the Virginia State Crime Commission. Amends and reenacts §§ **8.01-654.2**, **18.2-10**, **19.2-264.3:1.1**, **19.2-264.3:1.2**, and **19.2-264.3:3**.

[HB 1996](#) (Patrick Hope): **Incompetent defendants; psychiatric treatment.** Requires that a defendant who is found incompetent to stand trial for a crime and who is ordered to receive treatment to restore his competency at an inpatient hospital be transferred to and accepted by the hospital as soon as practicable, but no later than 10 days, from the receipt of the court order for restoration treatment. § **19.2-169.2**. Disposition when defendant found incompetent.

[HB 2462 / SB 935](#) (Robert Bell / L. Louis Lucas): **Inpatient psychiatric hospital admission; defendant found incompetent.** Removes the prohibition on inpatient psychiatric hospital admission for defendants who have already been ordered to receive treatment to restore their competency to stand trial. § **19.2-169.6**. Inpatient psychiatric hospital admission from local correctional facility.

XV. Persons Crimes

HB 1580 (Jeffrey Campbell): **Possession of child pornography by employees of the Department of Social Services.** Exempts social services employee from criminal possession of child porn if he possesses it in the course of conducting his professional duties. § **18.2-374.1:1**. Possession, reproduction, distribution, solicitation, and facilitation of child pornography; penalty.

HB 1851 (C. Todd Gilbert): **Assault and battery against a family or household member; deferred disposition; waiver of appeal.** Provides that a person charged with a first offense of assault against a family or household member who consents to a deferred disposition of the charge has no right of appeal if he is subsequently found guilty of the original charge for a violation of the terms of his probation. The bill provides that the order for the deferred disposition shall be stayed by the court for 14 days and placed on the court's docket for review and that that such person may withdraw his consent to the waiver of appeal at any point prior to the date set for review of the order. § **18.2-57.3**. Persons charged with first offense of assault and battery against a family or household member may be placed on local community-based probation; conditions; education and treatment programs; costs and fees; violations; discharge.

HB 1921 / SB 973 (Roxann Robinson / Glen Sturtevant, Jr.): **Assault and battery; health care providers; penalty.** Expands the penalty requiring minimum of 15 days of which 2 days are mandatory minimum for a Class 1 misdemeanor for battery against a health care provider who is engaged in the performance of his duties *to apply in hospitals or in emergency rooms on the premises of any clinic or other facility rendering emergency care*. Under current law, the penalties only apply to a battery against an *emergency* health care provider. § **18.2-57**. Assault and battery; penalty.

HB 1945 (Christopher Peace): **Adult exploitation.** Broadens the definition of "adult exploitation" for the purposes of *social services laws*. Amends and reenacts §§ **63.2-100** and **63.2-1606**, relating to adult exploitation.

HB 2064 (Michael Mullin): **Assault and battery against a family or household member; eligibility for first offender status.** Precludes a person who has been convicted of any felony defined as an act of violence from being eligible for first offender status for assault and battery against a family or household member unless the attorney for the Commonwealth does not object to the person being placed on first offender status. Under current law, only prior convictions for assault and battery against a family or household member serve as a disqualifier. § **18.2-57.3**. Persons charged with first offense of assault and battery against a family or household member may be placed on local community-based probation; conditions; education and treatment programs; costs and fees; violations; discharge.

HB 2410 / SB 1154 (C. Todd Gilbert / Bryce Reeves and Janet Howell): **Providing support to terrorist organizations; penalty.** Provides that any person who knowingly provides any material support to an individual or organization whose primary objective is to commit an act of terrorism and does so with the intent to further such objective is guilty of a Class 3 felony. If the provision of such material support results in the death of any person, the penalty is increased to a Class 2 felony. The bill also expands the definition of an act of terrorism to include an act committed outside the Commonwealth that would meet the definition of an act of violence if such act was committed within the Commonwealth. Amends and reenacts §§ **18.2-46.4** and **18.2-46.5**, relating to providing support to terrorist organizations; penalty.

SB 868 (Barbara Favola): **State Board of Social Services; complaints of child abuse or neglect where child is under the age of two.** Requires the State Board of Social Services to promulgate regulations that require local departments of social services to respond to valid reports and complaints alleging suspected abuse or neglect of a child under the age of two within 24 hours of receiving such reports or complaints.

SB 1060 (Richard Black & Siobhan Dunnivant): **Female genital mutilation; criminal penalty and civil action.** Makes it a Class 1 misdemeanor to circumcise, excise, or infibulate the labia majora, labia minora, or clitoris of a minor; or for a parent or guardian to consent to or cause the procedure. The bill also provides that any of these offenses shall be a separate and distinct offense and shall not preclude prosecution under any other statute. Originally, the bill created a felony punishable by twenty to life with a mandatory minimum of five years and a fine of up to \$1 million and the parent or guardian who consented or caused the circumcision to be convicted of a Class 2 felony (20-life). However, due to fiscal impact of incarceration and because the person performing the circumcision can be charged with malicious wounding, the patrons agreed to reduce the penalty to a misdemeanor. Virginia's law carries the lowest penalty in comparison to the federal law and the 24 states that criminalize FGM. Amends and reenacts §§ **19.2-8** and adds **8.01-42.5** and **18.2-51.7**, relating to female genital mutilation; criminal penalty and civil action.

XVI. Privacy

[HB 1546](#) (Christopher Collins): **Juror information; confidentiality.** Allows court to limit disclosure of jurors' name and home address, except to attorneys for parties or pro se defendant, for good cause that includes a likelihood of bribery, tampering, or physical injury to or harassment of a juror. The bill limits the release to counsel of record of any additional personal information, which includes a juror's age, occupation, business address, telephone number, and email address. The bill allows the court to disclose additional personal information on motion for good cause shown, subject to any restrictions imposed by the court. This bill was introduced because a defense attorney provided the defendant the personal information of jurors on a murder case under the belief that the file belongs to the defendant. The jurors were subsequently threatened by the defendant. § [19.2-263.3](#). Juror information confidential.

[HB 2217](#) (David Toscano): **Address confidentiality program; victims of sexual violence and human trafficking.** Expands the types of crimes victims of which are eligible to apply for the address confidentiality program to include sexual violence. § [2.2-515.2](#). Address confidentiality program established; victims of domestic violence, stalking, sexual violence, or human trafficking; application; disclosure of records. § [16.1-300](#). Confidentiality of Department records.

[HB 2287 / SB 1288](#) (Christopher Collins / Ryan McDougale): **Confidentiality of Department of Juvenile Justice records; gang task forces.** Allows the Department of Juvenile Justice, at its discretion, to share information about gang members to a gang task force. § [16.1-300](#). Confidentiality of Department records.

[SB 1330](#) (Charles W. Carrico): **Critical incident stress management team and critical stress management team privileged communications.** Provides that certain communications regarding a critical incident to a peer support team member are included in the critical incident stress management team privilege. Under current law, the privilege applies only to members of a critical incident stress management team. The bill defines a critical incident as an incident that induces an abnormally high level of negative emotions in response to a perceived loss of control and is often related to a threat to the well-being of emergency medical services personnel or public safety personnel or to the well-being of another individual for whom such personnel has some obligation of personal or professional concern. Amends §§ [19.2-271.4](#) and [32.1-111.3](#), privileged communications of critical stress management teams.

XVII. Procedure

[HB 1411](#) (David Albo): **Withdrawal of privately retained counsel.** Allows a privately retained counsel in a criminal case to withdraw from representation without leave of court after certification of a charge by a district court by providing written notice within 10 days of the certification to the client, the attorney for the Commonwealth, and the circuit court. § [19.2-190.2](#). Withdrawal of privately retained counsel.

[HB 1545 / SB 853](#) (Christopher Collins / William Stanley, Jr.): **Delayed appeals in criminal cases; assignment of errors dismissed in part.** Allows appellant to move for leave to pursue a delayed appeal even if part of the appeal was refused on the merits. § [19.2-321.1](#). Motion in the Court of Appeals for delayed appeal in criminal cases.

[HB 1560](#) (Paul E. Krizek): **Procedure when aliens convicted of certain felonies; forms.** Requires an alienage determination made by a probation or parole officer to be submitted to the Central Criminal Records Exchange of the Department of State Police (Exchange) in a format approved by the Exchange. Current law requires the Exchange to provide reporting forms to the probation and parole officers. § [19.2-294.2](#). Procedure when aliens convicted of certain felonies; duties of probation and parole officer.

[HB 1579](#) (Jeffrey Campbell): **Transportation order for defendant held in correctional facility.** Requires the court or clerk, upon request of the attorney for the Commonwealth or counsel for defendant, to issue a transportation order for a defendant to be brought to court from a correctional facility. § [19.2-240](#). Clerks shall make out criminal docket; transportation orders.

[SB 1257](#) (Benton Chafin): **Two-way video testimony; forensic analysis and examination.** Allows either party in a preliminary hearing or sentencing hearing, or by the accused in any hearing other than a trial, to present testimony by two-way video conferencing of an analyst regarding results in a certificate of analysis. The decision to purchase the equipment is at the discretion of the locality. § [19.2-3.1](#). Personal appearance by two-way electronic video and audio communication; standards.

XVIII. Property Crimes

[HB 1404 / SB 1054](#) (Mark Cole / Richard Stuart): **Activation of fire alarms; penalty.** Removes the provision that a building must be for *public* use in order for the Class 1 misdemeanor for maliciously activating a fire alarm to apply. A person convicted of this offense shall be liable for the reasonable expense in responding to such a fire alarm up to \$2,500. Amends and reenacts §§ [15.2-1716.1](#) and [18.2-212](#), relating to malicious activation of fire alarms; reimbursement of expenses; penalty.

[HB 1493](#) (Patrick Hope): **Definition of sales draft; credit card offenses; penalty.** This bill makes electronic signatures for purchase of goods by credit cards to be included in the definition of "sales draft" for purposes of criminal prosecution. § [18.2-191](#). Definitions.

[HB 1574](#) (Gordon C. Helsel, Jr.): **Marine Resources Commission; oysters; culling.** Provides that when a person charged with violating an oyster culling regulation is required to scatter the entire cargo of oysters on the public rocks, no portion of the cargo shall be scattered anywhere else. The bill also requires the Marine Resources Commission to accept cash, check, or credit card payment of a bond paid in lieu of throwing the cargo overboard. Current law allows only payments in cash. § [28.2-511](#). Culling oysters; penalty.

[HB 1815](#) (David Yancey): **Computer trespass; government computers and computers used for public utilities; penalty.** Increases the Class 1 misdemeanor computer trespass crimes to a Class 6 felony if the computer targeted is one that is exclusively for the use of, or used by or for, the Commonwealth, a local government within the Commonwealth, or certain public utilities. § [18.2-152.4](#). Computer trespass; penalty.

[HB 1922 / SB 1462](#) (Robert Bell / Jeremy McPike): **Financial exploitation of adults; reporting to local law enforcement.** Clarifies that all cases involving suspected financial exploitation of an adult shall be immediately referred to a local law-enforcement agency for investigation. The bill directs local law-enforcement agencies to provide a preferred point of contact for referrals. § [63.2-1605](#). Protective services for adults by local departments.

[HB 1979 / SB 1193](#) (Christopher Peace / Richard Stuart): **Board for Contractors; exemption from licensure; responsibility for contracting with unlicensed or unregistered person.** Permits a subcontractor to work without a license, as long as the job is valued at less than \$2,500 and doesn't otherwise require a specialized license; therefore, eliminates prosecution for working without a license under these circumstances. Provides for civil liability for contractor who hires unlicensed subcontractor. Amends and reenacts §§ [54.1-1101](#) and adds [54.1-1115.01](#), relating to the Board for Contractors; exemptions; responsibility for contracting with unlicensed persons.

[HB 2350](#) (Randall Minchew): **Use of electronic device to trespass; peeping into dwelling or occupied building; penalty.** Punishes as a Class 1 misdemeanor the use of an electronic device to enter the property of another to secretly or furtively peep or spy or attempt to peep or spy into a dwelling or occupied building located on such property, unless such use occurs pursuant to a lawful criminal investigation. § [18.2-130.1](#). Peeping or spying into dwelling or occupied building by electronic device; penalty.

XIX. Search Warrant

[HB 1874 / SB 1310](#) (Brenda Pogge / Thomas Norment, Jr.): **Search warrants; customer records from financial institutions.** Provides that a search warrant for records of a financial institution may be executed in the Commonwealth by hand, mail, commercial delivery service, facsimile, or other electronic means. The bill provides that the warrant is to be filed 3 days after the records are received from the bank in the circuit court clerk's office where the warrant was executed; previously the timing and location to file return was unclear. The bill eliminates the requirement that a copy of the warrant also be filed where the warrant was issued if that is different than the jurisdiction where it was served. Amends and reenacts §§ [19.2-54](#) and [19.2-56](#), relating to search warrants.

[HB 2084 / SB 1260](#) (Charniele Herring / Richard Black): **Search warrants; person subject to arrest.** Authorizes the issuance of a search warrant to search for and seize any person for whom a warrant or process for arrest has been issued. Previously magistrates were refusing to issue a search warrant when the location of a wanted person was known but there was no probable cause that a crime was occurring in that location. This bill is a recommendation of the Virginia State Crime Commission. Amends and reenacts §§ [19.2-53](#), [19.2-54](#), and [19.2-56](#), relating to search warrants; persons subject to warrant or capias for arrest.

XX. Technology

[HB 2016](#) / [SB 1207](#) (Ronald Villanueva / Bill DeSteph): **Electric personal delivery devices.** Allows for the operation of electric personal delivery devices on the sidewalks and shared-use paths and across roadways on crosswalks in the Commonwealth unless otherwise prohibited by a locality. The bill directs that such devices shall not be considered vehicles and are exempt from the motor carrier provisions of Title 46.2 (Motor Vehicles). Amends and reenacts §§ [46.2-100](#), [46.2-904](#), [46.2-908](#), [46.2-908.1](#), [46.2-1015](#), and [46.2-2101](#) and adds [46.2-908.1:1](#), relating to electric personal delivery devices.

[SB 1061](#) (Richard Black): **Government Data Collection and Dissemination Practices Act; exemption for sheriff's departments.** Adds an exemption to the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) for personal information systems maintained by sheriff's departments of counties and cities that deal with investigations and intelligence gathering relating to criminal activity. Amends § [2.2-3802](#), relating to the Government Data Collection and Dissemination Practices Act; exemption for sheriff's departments.

XXI. Traffic / Motor Vehicles

[HB 1440](#) (Richard Bell): **Farm use vehicles; penalties.** Imposes a \$250 fine for willfully and intentionally violating the limitations for the use of farm use vehicles on a highway for a second or subsequent violation. Current law allows for a fine of *up to* \$250 regardless of the number of previous violations. § [46.2-613](#). Offenses relating to registration, licensing, and certificates of title; penalties.

[HB 1519](#) (Barry D. Knight): **Overweight permits for hauling Virginia-grown farm produce; validity throughout the Commonwealth.** Authorizes the Commissioner of the Department of Motor Vehicles to issue overweight permits that are valid statewide for vehicles hauling Virginia-grown farm produce from the point of origin to the first place of delivery. Under current law, such permits are valid only in Accomack and Northampton Counties. § [46.2-1148](#). Overweight permit for hauling Virginia-grown farm produce.

[HB 1687](#) (Terry Austin): **Nonrepairable and rebuilt vehicles.** Eliminates the requirement that nonrepairable and rebuilt vehicles have incurred damage that exceeds 90 percent of their cash value prior to such damage to meet the definition of nonrepairable and rebuilt vehicles. The bill requires the Department of Motor Vehicles to report to the Chairmen of the House and Senate Transportation Committees on the impact of the bill, if any, on the number of nonrepairable vehicle and salvage certificates issued over the three-year period beginning July 1, 2017, compared with the number of such certificates issued over the three-year period before July 1, 2017. The bill has an expiration date of July 1, 2021. Amends § [46.2-1600](#), relating to nonrepairable and rebuilt vehicles.

[HB 1785](#) (Robert Bell): **Warning lights on privately owned volunteer emergency vehicles.** Clarifies that the current limit of no more than two flashing or steady-burning red or red and white combination warning lights applies to light units rather than individual lights on a vehicle owned by a member of a fire department, volunteer fire company, or volunteer EMS agency or a police chaplain. § [46.2-1024](#). Flashing or steady-burning red or red and white warning light units.

[HB 1888](#) (Timothy Hugo): **Use of wireless telecommunications devices by persons driving school buses.** Allows school bus drivers to use, in addition to two-way radio devices, wireless telecommunications devices used hands free to communicate with school or public safety officials. § [46.2-919.1](#) Use of wireless telecommunications devices by persons driving school buses.

[HB 1960](#) (Timothy Hugo): **Tow truck drivers and towing and recovery operators; requirements; penalties.** Creates a civil penalty of \$150 to be paid into the Literary Fund for any tow truck driver or towing and recovery operator convicted of improperly towing in Planning District 8 (Northern Virginia). The bill exempts tow truck drivers and towing and recovery operators in Planning District 8 from any requirement by a towing advisory board for written authorization in addition to a written contract in the event that a vehicle is being removed from private property. The bill requires that a tow truck driver in Planning District 8 immediately notify the animal control office in the locality from which the vehicle is being towed if the vehicle is occupied by a companion animal. The bill limits the membership of a local towing advisory board to only representatives of local law-enforcement agencies, representatives of licensed towing and recovery operators, and one member of the general public and requires the chairmanship of any towing advisory board within Planning District 8 to rotate annually between board members who represent a licensed towing and recovery operator, a local law-enforcement agency, and the general public. Amends §§ [46.2-1231](#), [46.2-1232](#), and [46.2-1233.2](#) adds [46.2-1233.3](#), relating to tow truck drivers and towing and recovery operators; requirements; civil penalties.

[HB 2022](#) (Ron Villanueva): **Department of Transportation; traffic incident response and management.** *Requires* drivers to move a vehicle from the road after a breakdown, accident or other emergency that did not result in injury or death if the vehicle is movable and the driver is capable of safely doing so. Allows those acting on behalf of the Department of Transportation to operate as needed in response to traffic incidents and to access and to remove from moving lanes on a highway vehicles and cargo that are impeding traffic flow due to a traffic incident. Amends §§ [46.2-808.1](#), [46.2-888](#), [46.2-920.1](#), [46.2-1210](#), and [46.2-1212.1](#), relating to Department of Transportation; traffic incident response and management.

[HB 2201](#) (Israel O'Quinn): **Failure to drive on right side of highways or observe traffic lanes; penalties.** Changes the fine for failing to drive on the right side of highways or failing to observe traffic lanes from no more than \$250 to \$100 per violation. This bill was introduced to address slower drivers in the left lane, referred to as "left-lane bandits". The only change to the law is the punishment. Amends §§ [46.2-802](#) and [46.2-804](#), relating to driving on the right side of highways and special regulations applicable on highways laned for traffic; penalties.

[HB 2239](#) (Matt Fariss): **Registration exemption for certain farm use vehicles; highway distance limitations.** Increases the maximum allowable travel distance to qualify for registration exemption. Also provides that any law-enforcement officer may require any person operating a vehicle, trailer, or semitrailer and claiming the farm use exemption to provide, upon request, the address of the farm or lands owned or leased by the vehicle's owner, or if such address is unavailable or unknown, the real property parcel identification number of such lands. Amends §§ [46.2-665](#), [46.2-666](#), and [46.2-670](#), relating to registration exemption for certain farm use vehicles; requirements.

[HB 2269 / SB 1250](#) (Ronald A. Villanueva/Charles Carrico): **State Police motor vehicle safety inspection data.** Authorizes the Superintendent of State Police to provide, upon request, verification of the inspection status of a vehicle and to charge a reasonable fee for providing such information. Fees shall not be charged to government or other public entities. § [46.2-1163](#). Official inspection stations; safety inspection approval stickers; actions of Superintendent subject to the Administrative Process Act.

[HB 2290](#) (Jeion Ward): **Driver education programs; instruction concerning traffic stops.** Requires public school driver education programs to cover law enforcement procedure and appropriate responses by drivers. The patron introduced this legislation in order to cut down on confusion and fear during traffic stops. The bill requires the Board of Education to collaborate with the Department of State Police in implementing the changes to its driver education program. Amends § [22.1-205](#), relating to driver education programs; instruction concerning traffic stops.

[HB 2453](#) (Rocky Holcomb): **Flashing amber lights; amateur radio operators.** Permits vehicles used or operated by federally licensed amateur radio operators participating in emergency communications drills on behalf of federal, state, or local authorities or providing communications services to localities for public service events authorized by the Department of Transportation where the event is being conducted to be equipped with flashing, blinking, or alternating amber lights provided that the lights are not lit while the vehicle is in motion. Amends § [46.2-1025](#), relating to flashing amber lights; amateur radio operators.

[HB 2467](#) (Robert B. Bell): **Driving on a suspended or revoked license; period of suspension.** Provides that any driver's license suspension imposed upon a person for the failure to pay court-ordered fines and costs shall run concurrently with any other period of license suspension, revocation, or forfeiture imposed upon such person. The bill also provides that in the event that a person whose license has been suspended for the failure to pay court-ordered fines and costs is convicted of driving on a suspended or revoked license, the additional period of license suspension imposed as a result of that conviction runs concurrently with the underlying suspension for the failure to pay court-ordered fines and costs. Under current law, such additional suspension period does not commence until the expiration of the previous suspension or revocation. Amends §§ [46.2-301](#) and [46.2-395](#), relating to driving on a suspended or revoked license; period of suspension.

[SB 817](#) (Scott A. Surovell): **Restricted driver's license; purposes.** Adds travel to and from a job interview to the list of purposes for the issuance of a restricted driver's license. The bill provides that a person issued a restricted driver's license for this purpose is required to maintain on his person written proof from the prospective employer of the date, time, and location of the job interview. Amends § [18.2-271.1](#), relating to the issuance of a restricted driver's license for traveling to a job interview.

[SB 866](#) (Richard Stuart): **Boating safety course; database listing operators who have passed course.** Directs the Department of Game and Inland Fisheries, by July 1, 2018, to create a database listing the name and date of birth and course passage date of every person who has passed an approved boating safety course prior to July 1, 2018. Any person who passes the course after that date may add his information to the database. The bill prohibits a law-enforcement officer from issuing a citation for failure to pass the required boating safety course until he has checked the database for the identity of the motorboat operator and provides that the listing of the operator in the

database constitutes satisfactory evidence of having passed the required course. § 29.1-735.2. Boating safety education required; Board to promulgate regulations.

SB 1021 (George L. Barker): **Failure to obey highway sign; driver stopped on highway shoulder to sleep or rest; prepayable offense.** Provides that a violation of a highway sign where a driver has parked or stopped his vehicle on the shoulder of the highway in order to sleep or rest is a prepayable offense unless such vehicle is parked or stopped in such manner as to impede or render dangerous the shoulder or other portion of the highway. Amends §§ 16.1-69.40:1 and 46.2-830.1, relating to failure to obey highway sign where driver sleeping or resting; prepayable offense.

SB 1069 (Creigh Deeds): **Titling out-of-state salvage vehicles.** Provides a process by which the owner of a salvage vehicle that has been rebuilt, titled, and registered in another state may obtain a nonnegotiable title for such vehicle to operate on the highways of the Commonwealth. Amends §§ 46.2-1600, 46.2-1603, 46.2-1603.2, 46.2-1604, 46.2-1605, and 46.2-1606, relating to titling salvage vehicles.

SB 1085 (Jennifer T. Wexton): **Department of Motor Vehicles; expiration and renewal of driver credentials.** Allows the DMV to digitally verify the authenticity and validity of driver's licenses, learner's permits, and special identification cards for nongovernmental entities. The bill allows DMV to issue transaction receipts for expired vehicle registration renewals that will serve as evidence that the holder has complied with DMV payment requirements in order to allow those with expired registrations to renew such registration online. The bill allows DMV to extend the validity period for driver's licenses for persons absent from the Commonwealth during the expiration period of such licenses for good cause shown and payment of a fee. Amends §§ 46.2-208, 46.2-212.1, 46.2-221.2, and 46.2-332, relating to Department of Motor Vehicles; expiration and renewal of driver credentials.

SB 1272 (Ryan T. McDougle): **Nonresident Violator Compact; codification.** Codifies the text of the Nonresident Violator Compact of 1977. The bill removes duplicative provisions of the Code of Virginia. This bill is a recommendation of the Virginia Code Commission. The purpose of the NRVC is to standardize methods utilized by the various jurisdictions to process non-resident violators receiving citations, and their failure to appear or otherwise failure to comply with outstanding moving traffic summons. The compact allows participating jurisdictions to inform each other's motor vehicle administrations when a resident of one jurisdiction did not comply with the citation's terms. Once the home jurisdiction motor vehicle administrator receives notice of a resident's citation noncompliance, the procedure for license suspension is initiated. Amends §§ 46.2-945 and 46.2-946 and adds 46.2-944.1 and 46.2-944.2, and repeals § 46.2-944, relating to the Nonresident Violator Compact of 1977.

SB 1276 (Ryan T. McDougle): **Dismissal of certain traffic violations for proof of compliance with law.** Provides that a court may, in its discretion, dismiss a violation for failure to notify the Department of Motor Vehicles of change of address, for failing to register, title, or properly display license plates, for failure to pay local licensing fees or taxes, for failure to have certain safety equipment or having unsafe or defective equipment, or for improper tinting, if such a person can prove to the court compliance with the law on or before the court date and payment of court fees. Amends §§ 16.1-69.48:1, 46.2-324, 46.2-613, 46.2-711, 46.2-715, 46.2-716, 46.2-752, 46.2-1000, 46.2-1003, 46.2-1052, and 46.2-1053, relating to dismissal of certain traffic violations for proof of compliance with law.

SB 1279 (Ryan T. McDougle): **Flashing amber lights on vehicles.** Allows vehicles used to collect and deliver packages weighing less than 150 pounds by a national package delivery company that delivers such packages in all 50 states to be equipped with flashing amber lights, provided that the amber lights are lit only when the vehicle is stopped and its operator is engaged in such collection and delivery. § 46.2-1025. Flashing amber, purple, or green warning lights.

SB 1384 (Charles W. Carrico): **Motor carrier size and weight limitations; compliance with federal law.** Amends several size and weight provisions to comply with the federal Fixing America's Surface Transportation Act of 2015 (the FAST Act). The bill (i) allows automobile and watercraft carriers to backhaul general cargo; (ii) permits the commercial delivery of towaway trailers within limits prescribed by the FAST Act; (iii) increases the weight limits of certain emergency vehicles, natural gas vehicles, and emergency towing vehicles as required by the FAST Act; (iv) increases the weight at which a vehicle must be inspected at a permanent weighing station; (v) makes overweight permits available for tank vehicles hauling fluid milk; and (vi) permits contractors of a Medicaid Managed Care Organization to obtain a certificate of fitness as a nonemergency medical transportation carrier. Amends §§ 46.2-100, 46.2-1114, 46.2-1129.2, 46.2-1137, 46.2-1139, 46.2-1141, and 46.2-2000 and adds 46.2-1114.1, 46.2-1117.1, 46.2-1127.1, and 46.2-1151.1, relating to motor carrier size and weight limitations; compliance with federal law.

[SB 1532](#) (Lynwood Lewis, Jr.): **Motor vehicle license fees; exemption of antique vehicles.** Exempts a motor vehicle, trailer, or semitrailer that is licensed as an antique vehicle from the imposition of local license fees. Amends § [46.2-755](#), relating to motor vehicle license fees; exemption of antique vehicles.

XXII. Victim Protections and Rights

[HB 1485](#) (Richard Bell): **Sex offenses prohibiting proximity to children; penalty.** Bans sex offenders convicted of crimes *outside of Virginia* from being or residing in areas prohibited by sex offenders who were convicted and live in VA. People who commit sex offenses outside VA and then move to VA should not be treated with more leniency than those who committed crime and live in VA. Amends §§ [18.2-370.2](#), [18.2-370.3](#), and [18.2-370.4](#), relating to sex offenses prohibiting proximity to children; penalty.

[HB 2127](#) (Mark Levine): **Rights of victims of sexual assault; physical evidence recovery kits.** Requires that victims of sexual assault be advised by the investigating law-enforcement agency of their rights regarding physical evidence recovery kits. The bill requires the Division of Consolidated Laboratory Services of the Virginia Department of General Services and law-enforcement agencies to store a physical evidence recovery kit for an additional 10 years following a written objection to its destruction from the victim. The bill requires the law-enforcement agency to notify the victim at least 60 days prior to the intended date of destruction of the kit and provides that no victim of sexual assault shall be charged for the cost of collecting or storing a kit. Amends §§ [19.2-11.01](#), [19.2-11.6](#), [19.2-11.8](#), and [19.2-11.11](#) and adds [19.2-11.12](#), relating to rights of victims of sexual assault; physical evidence recovery kits.

[SB 1501](#) (Barbara Favola): **Victim's right to notification of scientific analysis information.** Provides that for any physical evidence recovery kit that was received by a law-enforcement agency prior to July 1, 2016, and submitted for analysis, the victim, a parent or guardian of a minor victim, or the next of kin of a deceased victim shall be notified of the completion of the analysis and shall, upon request, receive information regarding the results of any analysis from the law-enforcement agency. The bill provides that law enforcement shall not be required to disclose the results of any analysis to an alleged perpetrator. § [19.2-11.11](#). Victim's right to notification of scientific analysis information.

[HB 2240](#) (Jackson Miller): **Crime victim's right to nondisclosure of certain information; murder.** Requires that written consent provided by the victim's next of kin to law enforcement is necessary, if the victim is a minor, before a law-enforcement agency may disclose any information that identifies the victim of a crime that resulted in the victim's death. The statute contains certain exceptions. § [19.2-11.2](#). Crime victim's right to nondisclosure of certain information; exceptions; testimonial privilege.

XXIII. Weapons

[HB 1466](#) (Hyland F. "Buddy" Fowler, Jr.): **Renewal of concealed handgun permits; notice.** Provides that if a clerk has an electronic system for the application for and issuance of concealed handgun permits and such system has the capability of sending electronic notices to a permit holder, the clerk shall send the permit holder an electronic email notice that the permit will expire at least 90 days prior to such expiration. The bill provides that such notice shall be sent only if the applicant provides his email or other electronic address on his permit application, which shall request but not require this information. The bill provides further that any failure to send or receive such notice does not extend the validity of the existing permit beyond its expiration date. Amends §§ [18.2-308.02](#) and [18.2-308.010](#), relating to renewal of concealed handgun permits; notice.

[HB 1849](#) (C. Todd Gilbert): **Concealed handgun permit; permit requirements.** Provides that a concealed handgun permit shall be of a size comparable to a Virginia driver's license and may be laminated or use a similar process to protect the permit. Current law requires that the permit be no larger than two inches wide by three and one-fourth inches long. § [18.2-308.04](#). Processing of the application and issuance of a concealed handgun permit.

[HB 2308 / SB 1465](#) (Thomas Wright / Charles Carrico, Sr.): **Carrying a concealed handgun; retired conservation officers.** Adds conservation officers retired from the Department of Conservation and Recreation to the list of retired persons eligible to carry a concealed handgun without a permit. § [18.2-308.016](#). (Effective until July 1, 2018) Retired law-enforcement officers; carrying a concealed handgun.

[HB 2325](#) (Matt Fariss): **Application for a concealed handgun permit; photo identification.** Requires applicants for a concealed handgun permit to present one valid form of government-issued photo identification issued by a governmental agency of the Commonwealth or by the U.S. Department of Defense or U.S. State Department (passport). The bill removes the requirement that the application be made under oath before a notary. Amends §§

18.2-308.02, 18.2-308.06, and 18.2-308.010, relating to application for a concealed handgun permit; photo-identification.

HB 2369 (Brenda Pogge): **Concealed handgun permit; change of address.** Replaces the requirement that a concealed carry permit holder present proof of a new address with a requirement that the permit holder present written notice of the change of address on a form provided by the Department of State Police for a court to issue a replacement concealed handgun permit due to a change of address. § **18.2-308.011**. Replacement permits.

HB 2424 (Jackson Miller): **Carrying concealed weapons; former attorneys for the Commonwealth and assistant attorneys for the Commonwealth.** Exempts from the prohibition on carrying a concealed handgun a retired or resigned attorney for the Commonwealth or assistant attorney for the Commonwealth who (i) was not terminated for cause and served at least 10 years prior to his retirement or resignation; (ii) during the most recent 12-month period, has met, at his own expense, the standards for qualification in firearms training for active law-enforcement officers in the Commonwealth; (iii) carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the attorney for the Commonwealth from whose office he retired or resigned; and (iv) meets the requirements of a "qualified retired law enforcement officer" pursuant to the federal Law Enforcement Officers Safety Act of 2004 (18 U.S.C. § 926C). The bill provides that a retired or resigned attorney for the Commonwealth or assistant attorney for the Commonwealth who has received such proof of consultation and favorable review shall have the opportunity to annually participate, at his expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. § **18.2-308.016**. (Effective until July 1, 2018) Retired law-enforcement officers; carrying a concealed handgun.

HB 2429 (Israel O'Quinn): **Purchase, possession, or transportation of firearms; petition to restore right.** Provides that any person who is *not a resident* of the Commonwealth and who is prohibited from purchasing, possessing, or transporting any firearm in the Commonwealth under a mental health restriction may petition for the restoration of such rights in the general district court of the city or county in which the most recent of such proceedings occurred. Current law provides that a person so prohibited may petition for the restoration of such rights in the general district court of the city or county in which he *resides*. Amends §§ **18.2-308.1:1, 18.2-308.1:2, and 18.2-308.1:3**, relating to purchase, possession, or transportation of firearms; petition to restore right.

SB 904 (Mark Obenshain): **Concealed handgun permit; Workers' Compensation commissioner or deputy commissioner exempt.** Provides an exception from the prohibition against carrying a weapon into courthouses in the Commonwealth for a commissioner or deputy commissioner of the Workers' Compensation Commission while conducting official duties. § **18.2-283.1**. Carrying weapon into courthouse.

SB 953 (Frank M. Ruff, Jr.): **Muzzleloader firearms; definition.** Incorporates the Virginia criminal law definition of a muzzleloader into the current statutory definitions of muzzleloading pistol, muzzleloading rifle, and muzzleloading shotgun located in Title 29.1 (Game, Inland Fisheries and Boating). Amends § **29.1-100**, relating to muzzleloader firearms.

SB 1533 (Mark Obenshain): **Possession of antique firearms; nonviolent felons.** Permits nonviolent felons to possess, transport, and carry muzzle-loading firearms and black powder in a quantity not exceeding five pounds if it is intended to be used solely for sporting, recreational, or cultural purposes in muzzle-loading firearms. § **18.2-308.2**. Possession or transportation of firearms, firearms ammunition, stun weapons, explosives or concealed weapons by convicted felons; penalties; petition for permit; when issued.

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