

2017 Legislative Update

for Law Enforcement



COMMONWEALTH'S ATTORNEYS' SERVICES COUNCIL
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VA General Assembly 2017

- VACA Legislative Update
 - This PowerPoint contains select pieces of legislation from the written materials.
 - You are encouraged to rely *only* on the final version of the legislation itself which can be found on the General Assembly website: <http://lis.virginia.gov>



VA General Assembly 2017

- VACA Legislative Update
 - New laws are effective on July 1, 2017, unless they include an emergency clause making the law effective upon the Governor's signature or they include a delayed enactment clause making the law effective on the date stated in the legislation.



VA General Assembly 2017

- Jan. 11, 2017 – Feb. 24, 2017
- Short session: 6 weeks
- 2,936 pieces of legislation filed, including bills and resolutions
 - From July 18, 2016 – Jan. 20, 2017
 - 1,086 House Bills
 - 813 Senate Bills
 - Remaining pieces are Resolutions.



Alcoholic Beverage Control

ABC



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ABC – Delivery Privileges

- HB 1801 (Knight)
 - Persons with wine/beer license may deliver product in closed containers for off-premises consumption:
 - To vehicle in retailer's parking lot when order placed in advance; or
 - If licensee holds a delivery permit, to such other locations as permitted by Board.
 - §§ 4.1-209, 4.1-325 , 4.1-325.2



Animals



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Control of Dangerous Dogs

- HB 2381 (Farris)
 - Allows an LEO or animal control officer to determine if a dog is dangerous or not.
 - Reduces from 45 to 30 days time in which the owner of a dangerous dog is required to get a dangerous dog registration certificate and to comply with other provisions.
 - § 3.2-6540



Dogs from Unlicensed Dealers

- SB 852 (Stanley)
 - Prohibits a pet shop from selling a dog knowingly procured from someone with prior USDA violations.
 - § 3.2-6511.1.



Snakehead Fish/Zebra Mussel

- SB 906 (Surovell)
 - Prohibits the introduction of snakehead fish or zebra mussels into state waters without a permit.
 - Class 1 misdemeanor.
 - § 18.2-313.2.



Courts ~ Fines/Costs/Restitution



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Restitution – Priority of Payment

- HB 2338 (Rob Bell)
 - When a defendant owes restitution, any money collected will be applied toward restitution first, before being applied to fines and costs.
 - § 19.2-305.1



Criminal Background Checks



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National Crime Prevention and Privacy Compact of 1998

- HB 2066 (Mullin)
 - Authorizes Virginia to become a signatory to the National Crime Prevention and Privacy Compact of 1998
 - Compact allows member states to exchange criminal history records for non-criminal justice purposes according to the laws of the requesting state.
- § 19.2-387.2.



Regulation of “Sensitive Positions”*

- HB 2391 (Holcomb)/SB 1293 (McDougle)
 - Requires each state agency to record in PMIS positions that are designated “sensitive”.
 - Clarifies who will be subject to background check for sensitive positions.
 - Expands definition of “sensitive positions.”
 - Effective on Governor’s signature.
 - §§2.2-1201.1 and 19.2-389
 - *Yes, that’s the Code language.



Submissions to FBI

- HB 1506 (Cosgrove)
 - Authorizes VSP to submit fingerprints, etc., to FBI when the subject of certain background checks is arrested for, or convicted of, a disqualifying criminal offense.
 - FBI's Next Generation Identification Rap Back Service to be utilized.
 - § 52-46



Drugs ~ Opioid Epidemic



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Naloxone

- **HB 1453 (LaRock) / SB 848 (Wexton)**
 - **Allows Dept. of Health to distribute naloxone to drug treatment providers after they have trained them to use it.**
 - **Provides immunity for those who dispense naloxone.**
 - **§§ 8.01-225 and 54.1-3408**



Dispensing Naloxone

- HB 1750 (O'Bannon)
 - Allows pharmacist to dispense naloxone to someone who has standing order even though there is not a patient-specific prescription.
 - § 54.1-3408



Administering Naloxone

- HB 1642 (Hope)/ SB 1031 (Marsden)
 - Allows employees of DFS, OCME and Consolidated Labs to possess and administer naloxone.
 - § 54.1-3408



Needle Exchanges

- Harm Reduction Program
- HB 2317 (O'Bannon)
 - Allows clean needle exchanges to be established during public health emergency.
 - §§ 32.1-45.4 & 54.1-3467
 - Expires July 1, 2020.



Prescriber to Check PMP

- HB 1885 / SB 1232 (Hugo / Dunnivant)
 - Requires prescriber registered with Prescription Monitoring Program (PMP) to check PMP prior to issuing opioid prescription that will last more than 7 days.
 - Previously required to check if prescription lasted over 14 days
 - § 54.1-2522.1



Electronic Prescriptions

- HB 2165 / SB 1230 (Pillion / Dunnavant)
 - Requires opioid prescriptions to be submitted electronically to pharmacy.
 - §§ 54.1-3401, 54.1-3408.02, 54.1-3410
 - **Begins 7/1/2020**



In Utero Exposure to Opioids

- HB 1786 (Stolle) / SB 1086 (Wexton)
 - Requires Social Services to collect information, develop treatment plan and, in some cases, report abuse.
 - §§ 63.2-1505, 63.2-1506, and 63.2-1509



Drugs ~ Other



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Cigarette Trafficking

- HB 1913 (Anderson)/SB 1390 (Howell)
 - Creates new requirements for obtaining or renewing cigarette exemption certificates.
 - Creates new recordkeeping requirements for sales of 50+ cartons or \$10,000+.
 - Amends §§ 58.1-623, 58.1-1000, and 58.1-1017.3 and adds 58.1-623.2 and 58.1-1017.4.



Marijuana & Suspended O/L

- HB 2051 (Adams) / SB 1091 (Ebbin & Stanley)
 - Changes license suspension from mandatory to discretionary on 1st offender marijuana dispositions unless person possessing marijuana was driving.
 - §§ 18.2-251, 18.2-259.1, and 46.2-390.1



Cannabidiol & THC-A Oils

- SB 1027 (Marsden)
 - Creates regulations for in-state production of oils that were approved in 2015 for persons with intractable epilepsy.
 - Affirmative defense for possession of marijuana for pharmaceutical processors, patients and their guardians.
 - GA rejected expansion of diseases to be treated.
 - §§ 18.2-250.1, 54.1-3408.3, 54.1-3442.5 thru 54.1-3442.8



DUI

Driving Under the Influence



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DUI - Commercial Vehicles

- HB 1622 (Collins)
- Harmonizes Commercial Motor Vehicle DUI statutes with regular DUI statutes.
- § 46.2-341.28



DUI - Birchfield

- “Birchfield” legislation
- HB 2327 (Collins)
- Responsive to one of the holdings in *Birchfield v. North Dakota*, 136 S.Ct. 2160 (2016) that caused a portion of VA DUI law to be unconstitutional.
- Additional amendments to DUI statutes inspired by *Birchfield*.
- Emergency clause: Effective 3/16/2017.



DUI - Birchfield

- Holdings of *Birchfield v. North Dakota*, 136 S.Ct. 2160 (2016):
 - Criminal penalties for refusal of blood test is unconstitutional because blood test is intrusive and is not a lawful search incident to arrest.
 - Implied consent is valid for blood
 - SW not required if implied consent applies.



DUI - Birchfield

- Holdings of *Birchfield v. North Dakota*, 136 S.Ct. 2160 (2016) - Continued
 - Breath is search incident to arrest
 - Criminal prosecution okay for refusal to submit to breath test
 - Refusal can be used as evidence.



DUI - Birchfield

- *Birchfield* ruling: unconstitutional to impose criminal penalty for refusal to take blood test
 - § 18.2-268.3
 - Blood and Breath refusals separated.
 - Removes criminal penalties for refusing to consent to blood testing.
 - Conforms language required on refusal form to current law.



DUI - Refusals

- *Birchfield* inspired: Refusal penalty changes
 - § 18.2-268.3
 - Penalty for 2nd offense refusal of breath increases from Class 2 misd to Class 1 misd
 - Loss of license for refusal of blood or breath, 2nd in 10 years, remains at 3 years



DUI - Presumptions

- *Birchfield* inspired: presumptions apply to search warrant (SW) blood
 - § 18.2-269
 - Allows statutory presumptions of levels of intoxication to apply to blood obtained by SW.
 - Must comply with procedures outlined for implied consent (IC) blood in §§ 18.2-268.5, 18.2-268.6, and 18.2-268.7.



DUI – Handling Blood

- *Birchfield* inspired: DFS/Blood handling and procedures
 - § 18.2-268.7
 - SW blood and IC blood treated the same when SW blood taken same as IC blood.
 - DFS no longer automatically sends SW blood back.
 - DFS to destroy blood 90 days after analyzed unless defense request for independent analysis or CW request in writing for the return of the remaining samples.



DUI – Breath Tests

- *Birchfield* inspired:
 - § 18.2-268.9
 - Cleans up language about who can conduct a breath test by simply stating “any person qualified to conduct a breath test ... may administer the breath test.”



DUI - Birchfield

- *Birchfield* inspired: conforms VA code
 - Conforms sections of the Code relating to juvenile DUI, Commercial driver DUI and boating DUI.



DUI – Magistrate Priority

- *Birchfield* inspired: priority at magistrate for SW for blood
 - HB 2327 (Collins) & SB 1564 (Norment)
 - § 19.2-52
 - Provides that SW application for blood test for DUI takes priority at magistrate over any matter except those where there is an imminent risk to health or safety.



Education/Schools



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School Security Officers

- HB 1392 (Lingamfelter)
- School security officer can carry a gun if:
 - Within past 10 years was an active LEO;
 - Retired or resigned in good standing;
 - Meets specified training requirements;
 - Is approved by local chief law enforcement officer; and
 - School board grants the authority.
- Amends §§ 9.1-102, 18.2-308.1, and 22.1-280.2:1



Higher Ed – Free Speech

- HB 1401 (Landes)
- Prohibits *public* institutions of higher education from abridging the right of any individual to speak on campus
 - except as otherwise permitted by the U.S. Constitution.
- Adds § 23.1-900.1



FOIA

Freedom of Information Act



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FOIA – Child Abuse MDT's

- HB 1971 (Massie)
- §§ 2.2-3705.7 and 2.2-3711
 - Exempts child abuse and child sex offense multidisciplinary teams (MDTs) from FOIA open meetings and mandatory record disclosure.



FOIA – Unattended Deaths

- SB 1102 (Surovell)
- § 2.2-3706
 - Immediate family member permitted to get records of completed unattended death investigations provided that they are not a person of interest or a suspect.
 - “Unattended death” and “immediate family” defined.



Hearsay Exceptions



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Hearsay – Business Records

- HB 1903 (Heretik)
 - Expands “business records” hearsay exception to criminal cases.
 - Permits introduction of business records by written certification rather than live testimony.
 - § 8.01-390.3



Hearsay – Government Records

- SB 1341 (Surovell)
 - Government records can be authenticated by digital signature.
 - Creates section, “Digital Certification of Government Records”
 - Definitions of “agency”, “digital signature”
 - §§ 8.01-390 and 2.2-3817 to 2.2-3819



Hunting



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Slingbow Hunting

- HB 1938 (Edmunds)
 - Can use 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.



Blaze Pink

- HB 1939 (Edmunds)
 - Allows hunters to wear blaze pink instead of required blaze orange.
 - § 29.1-530.1



Junior Hunting License - Bear

- HB 2255 (Edmunds)
 - Creates a state junior bear hunting license for residents under age 16.
 - \$5.50 license fee.
 - § 29.1-303.2:1.



Hunting Licenses - Electronic Carry

- SB 968 (Chafin)
 - Removes requirement that a license to hunt bear, deer or turkey be in paper form.
 - May be carried by electronic or computerized means.
 - § 29.1-336



Law Enforcement



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Fireman's Rule

- HB 1590 (Campbell)
 - Provides that the “fireman’s rule”, as described in bill, shall not be a defense to certain claims.
 - Fireman’s rule is based on the assumption of usual risks of injury, whether caused by a negligent or non-negligent act.
 - § 8.01-226



Decertification of LEO's

- HB 2067 (Mullin)
 - Persons obligated to notify DCJS when an LEO has committed an act, or been convicted of a crime, that requires decertification must provide such notification with 48 hours of becoming aware of the act or conviction.
 - Upon such notification, decertification is immediate.
 - § 15.2-1707



Capitol Police

- HB 2329 (Morefield)
 - Adds Capitol Police to list of officers authorized to arrest without a warrant in certain situations.
 - § 19.2-81



LEO-Involved Accidents

- HB 2336 (Miller)/SB 1486(Stuart)
- An LEO listed as a driver in an accident report submitted to DMV will not have the accident listed on his driving record if:
 - Driving was in the course of his employment;
and
 - He was engaged in law enforcement activity at time of accident.
- § 46.2-373.1



Conservators of the Peace

- SB 1594 (Vogel)
- Provides that investigators employed by Commonwealth's Attorney are conservators of the peace provided:
 - Had prior LEO service within past 10 years; and
 - Left in good standing.
- Allows investigator to serve subpoenas and perform other functions of conservator.
- § 19.2-12



Memorials



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Trooper Chad Phillip Dermyer

- HB 1405 (Hodges) / SB 855 (Norment)
 - Designates the Route 143/Interstate 64 bridge in Newport News at Exit 255 as the:

“Trooper Chad Phillip Dermyer
Memorial Bridge”



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Flag at Half Staff – Public Safety Personnel

- HB 1720 (Anderson)
- Expands category of buildings that are required to fly flags at half staff when public safety personnel killed in line of duty.
 - Adds any building owned and operated by a political subdivision of the Commonwealth.
- Adds state correctional officers to list of public safety personnel to be so honored.
- § 18.2-488.1



Mental Health/Addiction



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Alternative Transportation

- HB 1426 (Garrett)/SB 1221 (Barker)
 - Directs BHDS and DCJS to develop model for safe and efficient alternative transportation for persons involved in emergency custody or involuntary admissions.
 - Looking for alternatives to using law enforcement transportation.
 - Model shall be completed by 10/1/2017.



Critical Incident Reports

- HB 1508 (Hope)/SB 894 (Favola)
 - Currently, reports are required for critical incidents or deaths occurring at DBHD-operated facilities.
 - This bill expands that requirement:
 - To include reports of *serious injury*; and
 - To include reports from facilities operated or *licensed by* DBHD.
 - § 37.2-304



Jails; Addiction Recovery Programs

- HB 1845 (Cox)
 - Requires DCJS to develop model addiction recovery program for jails.
 - Shall be based on existing programs.
 - Participation shall be voluntary.
 - Amends § 9.1-102



“Intellectual Disability”

- HB 1882 (Hope); SB 1352 (Howell)
 - Replaces the term “mental retardation” with “intellectual disability” in statutes governing capital cases.
 - §§ 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



Incompetent Defendants

- HB 1996 (Hope)
 - A defendant found incompetent to stand trial and ordered to receive inpatient treatment to be restored must be transferred and accepted by the hospital ASAP, but no later than 10 days from receipt of the court order.
 - § 19.2-169.2



Incompetent Defendants

- HB 2462 (Rob Bell)/SB 935 (Lucas)
 - Removes the prohibition on inpatient psychiatric hospital admission for incompetent defendants who already have been ordered to receive treatment to restore competency to stand trial.
 - § 19.2-169.6



Persons Crimes



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DSS; Possession of Child Porn

- HB 1580 (Campbell)
 - Exempts social services employee from criminal possession of child porn if it is possessed in the course of their professional duties.
 - § 18.2-374.1:1.



DV – Closing 1st Offender Loophole

- HB 1851 (Gilbert)
 - Prohibits person who agreed to 1st offender disposition on a domestic violence charge from later appealing a conviction (resulting from violating the terms of 1st offender.)
 - Allows defendant to withdraw from the initial 1st offender plea within 14 days.
 - § 18.2-57.3



A&B on Health Care Provider

- HB 1921 (Robinson) /SB 973 (Sturtevant)
 - Expands prohibition against A&B on health care provider to include personnel of any clinic or facility rendering emergency care.
 - Class 1 misdemeanor (15 day minimum sentence with 2 days mandatory.)
 - § 18.2-57 E – F



Domestic A&B – 1st Offender

- HB 2064 (Mullin)
 - Persons with violent felony convictions (as defined in § 19.2-297.1) are NOT eligible for DV 1st offender disposition
 - unless the Commonwealth's Attorney does not object.
 - § 18.2-57.3



Providing Support to Terrorists

- HB 2410 (Gilbert)/SB 1154 (Reeves & Howell)
 - Creates Class 3 felony to provide material support to terrorist organizations whose primary objective is to commit acts of terrorism.
 - Makes it a Class 2 felony when the material support results in the death of anyone.
 - Expands the definition of “act of terrorism”.
 - §§ 18.2-46.4 and 18.2-46.5



Complaints of Child Abuse

- SB 868 (Favola)
 - Requires State Board of Social Services to require local DSS to respond to valid reports/complaints of abuse and neglect of children under age 2 within 24 hours of receiving reports/complaints.



Female Genital Mutilation (FGM)

- SB 1060 (Black and Dunnivant)
 - Creates Class 1 misdemeanor to circumcise, excise, or infibulate the labia or clitoris of a minor; or for parent to consent to procedure or remove minor from Commonwealth to perform procedure.
 - Separate and distinct offense.
 - Statute of Limitations extends 1 year after victim reaches age of majority.
 - Also creates a civil cause of action.
- ❖ §§ 8.01-42.5, 18.2-51.7 and 19.2-8



Privacy



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Juror Privacy

- HB 1546 (Collins)
 - Allows court to limit disclosure of juror's personal information.
 - Allows for disclosure upon motion of good cause shown, subject to restrictions from the court.
 - § 19.2-263.3



Address Confidentiality Program

- HB 2217 (Toscano)
 - Expands protections of OAG's *Address Confidentiality Program* to victims of sexual violence (in addition to DV and stalking)
 - § 2.2-515.2



DJJ Gang Records

- HB 2287 (Collins)/SB 1288 (McDougle)
 - Allows Dept. of Juvenile Justice, at its discretion, to share information on gang members with a gang task force.
 - § 16.1-300



Critical Incident Stress Management Team Privilege

- SB 1330 (Carrico)
 - Certain communications to a *peer support* team member regarding a critical incident are included in the critical incident stress management team privilege.
 - Currently only applies to actual critical incident management team members.
 - Amends §§ 19.2-271.4 and 32.1-111.3



Procedure



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Court Procedures - Private Counsel

- HB 1411 (Albo)
 - §19.2-190.2
 - Allows a retained lawyer in criminal case to withdraw within 10 days after charges are certified from the District Court.
 - Must provide written notice to client, CA and Circuit Court.



Court Procedures - Appeals

- HB 1545 (Collins)/ SB 853 (Stanley)
 - §§ 19.2-321.1 & 19.2-321.2
 - Expands motion for delayed appeals



Procedure – Transportation Orders

- HB 1579 (Campbell)
 - Requires the court or clerk to issue a transportation order for a defendant to be brought to court from a correctional facility.
 - Upon request of the CA or counsel for defendant.
 - Creates uniform practice across state.
 - § 19.2-240.



Court Procedures – Two-way Video Testimony

- SB 1257 (Chafin)
 - §§ 19.2-3.1, 19.2-187, 19.2-187.1
 - Allows testimony in preliminary hearing or sentencing hearing via 2-way video of analyst for results in certificate of analysis.
 - Applies to both parties.



Property Crimes



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Fire Alarms

- HB 1404 (Cole)/ SB 1054 (Stuart)
 - Removes the requirement that a building be *public* for purposes of charging the Class 1 misdemeanor “maliciously activating a fire alarm.”
 - §§ 15.2-1716.1 and 18.2-212



Property Crimes – Credit Cards

- HB 1493 (Hope)
 - Adds electronic signatures.
 - "Sales draft" means a paper *or electronic* form evidencing a purchase of goods, services or anything else of value from a merchant through the use of a credit card.
 - § 18.2-191



Property Crimes - Computers

- HB 1815 (Yancey)
- § 18.2-152.4
 - Increases penalty for computer trespass to Class 6 felony from Class 1 misdemeanor when the computer targeted is a government computer or public utility.



Financial Abuse of an Adult

- HB 1922 (Rob Bell)/ SB 1462 (McPike)
 - In addition to physical abuse, all cases of suspected financial exploitation of a senior or incapacitated adult shall be referred to local law enforcement for investigation.
 - Law enforcement agencies shall identify preferred point of contact for referrals.
 - § 63.2-1605.



Contractors - Licensure

- HB 1979 (Peace)/ SB 1193 (Stuart)
 - Permits a sub-contractor to work without a license
 - If job is valued at less than \$2,500; and
 - Doesn't require a specialized license.
 - Amends §§ 54.1-1101 and adds 54.1-1115.01.



Property Crimes – Drone Spying

- HB 2350 (Minchew)
 - Creates Class 1 misdemeanor to use an electronic device to trespass on property to peep or spy into dwelling or occupied building.
 - Can't do with a drone what you can't do in person.
 - § 18.2-130.1



Search Warrant



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Search Warrant – Banks

- Procedures related to SW for records from financial institution
- HB 1874 (Pogge) / SB 1310 (Norment)
 - Clarifies that warrant is to be filed 3 days *after the records are received* from financial institution.
 - Expressly states that weekends and holidays don't count in the 3 day calculation.
 - §§ 19.2-54 and 19.2-56



Search Warrant - Banks

- Procedures related to SW for records from financial institution (Con't.):
 - Provides that SW may be executed by hand, mail, commercial delivery, fax or other electronic means to financial institution.
 - Eliminates the requirement that a copy of the warrant be filed where the warrant was issued if that's different than the jurisdiction where it was served.



Search Warrant - Fugitives

- **HB 2084 / SB 1260 (Herring / Black)**
 - Authorizes issuance of search warrant to search a place for a person who is wanted when there is no PC to believe a crime is being committed in that place, but there is PC to believe the person may be located in that place.
 - §§ 19.2-53, 19.2-54 and 19.2-56



Technology



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Electric Personal Delivery Devices

- **HB 2016 (Villanueva) / SB 1207 (DeSteph)**
 - Allows for operation of electric personal delivery devices (robots) on sidewalks, shared-use paths & crosswalks unless otherwise prohibited by the locality.
 - Devices not considered motor vehicles.
 - Virginia is the first state to pass such a bill.
 - §§ 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



Gov't. Data Collection & Dissemination Practices Act

- SB 1061 (Black)
- Adds exemption to Act for personal information systems maintained by sheriff's departments that deal with criminal investigations and intelligence gathering.
- § 2.2-3802



Traffic/Motor Vehicle



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Farm Use Vehicles

- HB 1440 (Richard Bell)
 - \$250 fine for 2nd or subsequent farm use vehicle violation
 - Previous penalty was *up to* \$250 fine, regardless of number of previous violations.
 - § 46.2-613



Hauling VA-grown Produce

- HB 1519 (Knight)
 - DMV can issue overweight permits that are valid *statewide* for vehicles hauling Virginia-grown produce.
 - Previously such permits only valid on Eastern Shore.
 - § 46.2-1148



Warning Lights

- HB 1785 (Rob Bell)
 - Warning lights on privately-owned volunteer emergency vehicles:
 - Clarifies that current limit of no more than 2 warning lights applies to *light units*, rather than individual lights.
 - § 46.2-1024



School Buses - Communication

- HB 1888 (Hugo)
 - Allows school bus drivers to use two-way radios *and* hands free wireless communication devices to communicate with school or public safety officials.
 - § 46.2-919.1



Tow Truck Drivers

- HB 1960 (Hugo)
 - Creates civil penalty of \$150 for conviction for improper towing in Planning District 8 (Northern Virginia.)
 - Addresses additional provisions related to towing procedures in Planning District 8 (Northern Virginia.)
 - §§ 46.2-1231, 46.2-1232, and 46.2-1233.2 adds 46.2-1233.3.



Traffic Incident Response

- HB 2022 (Villanueva)
 - *Requires* drivers to move a vehicle to the side after a breakdown/accident/emergency that did not result in injury and driver is capable.
 - Allows accident responders acting on behalf of VDOT to operate as needed to move vehicles and cargo impeding traffic flow.
 - §§ 46.2-808.1, 46.2-888, 46.2-920.1, 46.2-1210, and 46.2-1212.1



Traffic Lanes

- HB 2201 (O'Quinn)
 - Penalizes failure to drive on right side or observe traffic lanes.
 - Changes penalty from a fine of *up to* \$250 to a set fine of \$100.
 - Introduced to address left-lane bandits who drive too slowly in the left lane.
 - §§ 46.2-802 and 46.2-804



Farm Use Vehicles

- HB 2239 (Fariss)
 - Increases max allowable distance to qualify for farm use registration exemption from 50 to 75 miles.
 - Allows LEO's to require suspected violator of farm use vehicle provisions to provide address or parcel identification number of qualifying farmlands.
 - §§ 46.2-665, 46.2-666, and 46.2-670



Motor Vehicle Safety Inspection Data

- HB 2269 (Villanueva) / SB 1250 (Carrico)
 - Authorizes VSP to provide, upon request, verification of vehicle inspection status and to charge non-governmental entities a reasonable fee for such service.
 - § 46.2-1163



Driver Education Programs

- HB 2290 (Ward)
 - Requires public school driver education programs to cover law enforcement procedures and appropriate responses by drivers.
 - Designed to reduce confusion and fear during traffic stops.
 - § 22.1-205



Amber Lights - Amateur Radio Operators

- HB 2453 (Holcomb)
 - Amber warning lights may be used on vehicles used by federally licensed amateur radio operators:
 - If vehicle is not in motion;
 - While participating in government emergency communication drills;
 - While providing communication services for public service events authorized by VDOT
 - § 46.2-1025



Driver's License - Suspensions

- HB 2467 (Rob Bell)
 - License suspensions for failure to pay fines & costs shall run concurrent with any other license suspensions.
 - License suspension for convictions of driving suspended because of fines & costs to run concurrent with the underlying suspension.
 - Previously, suspensions were consecutive.
 - §§ 46.2-301 and 46.2-395



Restricted Driver's Licenses

- SB 817 (Surovell)
 - Adds travel to and from a job interview to the list of purposes of a restricted license.
 - Driver is to maintain on his person written proof of the date, time and location of job interview.
 - § 18.2-271.1



Boating Safety Courses

- SB 866 (Stuart)
 - By July 1, 2018, Dept. of Game & Inland Fisheries must create a database of all persons who have passed an approved boating safety course.
 - Law enforcement may not issue citations for failure to complete such a course until after checking database.
 - § 29.1-735.2



Sleeping on Highway Shoulder

- SB 1021 (Barker)
 - Violating a highway sign by sleeping or resting on highway shoulder is a prepayable offense unless:
 - It impedes traffic or renders the area dangerous.
 - §§ 16.1-69.40:1 and 46.2-830.1



DMV Regulations

- SB 1085 (Wexton)
 - Allows DMV to digitally verify validity of O/L's, learner's permits & special ID cards.
 - Allows DMV to issue transaction receipts for expired registration renewals to show compliance with payment requirements.
 - Allows DMV to extend validity of O/L's for persons absent from Commonwealth when their O/L expires.
 - §§ 46.2-208, 46.2-212.1, 46.2-221.2, and 46.2-332



Nonresident Violator Compact

- SB 1272 (McDougle)
 - Codifies Nonresident Violator Compact.
 - Removes duplicative provisions of Virginia Code.
 - Purpose is to standardize methods used by various jurisdictions to process non-resident violators receiving citations.
 - §§ 46.2-945 and 46.2-946 and adds 46.2-944.1 and 46.2-944.2, and repeals § 46.2-944



Dismissal of Offenses

- SB 1276 (McDougle)
 - Adds these offenses to the ones that may be dismissed upon compliance with law:
 - Fail to notify DMV of address change; fail to register, title or properly display license plates; fail to pay local licensing fees or taxes; fail to have safety equipment; defective equipment; improper tinting.
 - Offender must still pay court fees.



Flashing Amber Lights

- HB 1279 (McDougle)
 - Allows national package delivery company vehicles (such as FedEx) to use flashing amber lights when:
 - Vehicle is stopped, and
 - Being used to collect and deliver packages.
 - § 46.2-1025



Motor Carrier Size & Weight Limits

- SB 1384 (Carrico)
 - Amends several size and weight provisions to comply with federal Fixing America's Surface Transportation Act of 2015 (the FAST Act.)
 - §§ 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



Victim Protections & Rights



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Out-of-State Sex Offenses

- HB 1485 (Richard Bell)
 - Bans sex offenders convicted of crimes *outside of Virginia* from being or residing in areas prohibited by sex offenders who were convicted of crimes *in Virginia*.
 - Establishes uniformity.
 - §§ 18.2-370.2, 18.2-370.3, and 18.2-370.4



PERK's

- HB 2127 (Levine)
 - Law enforcement investigators must advise victims of their rights regarding PERK's.
 - PERK's must be stored for additional 10 years if victim objects in writing to its destruction.
 - Law enforcement must notify victim at least 60 days prior to intended destruction of PERK.
 - No sexual assault victim will be charged for collecting or storing a PERK.
 - §§ 19.2-11.01, 19.2-11.6, 19.2-11.8, 19.2-11.11, and adds 19.2-11.12.



PERK's

- SB 1501 (Favola)
 - For any PERK received by law enforcement before 7/1/2016 and submitted for analysis, the victim, parent/guardian of minor victim, or next of kin must be notified of the completion of the analysis.
 - Upon their request, results must be disclosed by law enforcement.
 - Suspect not entitled to analysis results.
 - § 19.2-11.11



Identifying Underage Murder Victims

- HB 2240 (Miller)
 - Law enforcement cannot release identifying information about a minor murder victim without written consent of victim's next of kin.
 - § 19.2-11.2.



Weapons



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Concealed Handgun Permits

- HB 1849 (Gilbert)
 - Concealed handgun permits shall be same size as a Virginia driver's license.
 - Previously could be no larger than 2" x 3.25"
 - Concealed handgun permits may be laminated.
 - § 18.2-308.04



Concealed Handgun Permits

- HB 2308 (Wright)/ SB 1465 (Carrico)
 - Adds officers retired from Dept. of Conservation and Recreation to persons eligible to carry concealed handgun without a permit.
 - § 18.2-308.016



Former CA's – Concealed Carry

- HB 2424 (Miller)
 - Allows former prosecutors to carry concealed without a permit if:
 - Not terminated for cause;
 - Served at least 10 years;
 - Qualified in firearms; and
 - Issued written approval by current CA.
 - § 18.2-308.016



Restoration of Rights

- HB 2429 (O'Quinn)
 - Any person *not a resident of Virginia* who is prohibited from buying, etc., a firearm because of a mental health restriction may petition for restoration in the general district court where the most recent hearing was held.
 - Previously, restoration petition had to be filed where petitioner lived – not available to out-of-state people.
 - §§ 18.2-308.1:1, 18.2-308.1:2, and 18.2-308.1:3



Weapons in Courthouses

- SB 904 (Obenshain)
 - Provides exception to prohibition on carrying a weapon into a courthouse for the commissioner/deputy commissioner of the Workers Compensation Commission while in the course of his/her official duties.
 - § 18.2-283.1



Muzzleloader Firearms

- SB 953 (Ruff)
 - Incorporates the criminal law definition of muzzleloader into the definitions under *Title 29.1 - Game, Inland Fisheries and Boating*.
 - § 29.1-100



Antique Firearms

- SB 1533 (Obenshain)
 - Permits nonviolent felons to possess or transport antique firearms, muzzleloading firearms, and 5 lbs. or less of black powder.
 - Consistent with Federal law.
 - § 18.2-308.2



Jane Sherman Chambers, Director
Commonwealth's Attorneys' Services Council
jscham@wm.edu
757-253-5124

**Many thanks to:
Lori DiGiosia
Chief Deputy Commonwealth's Attorney
Stafford County**



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