

2018 VIRGINIA LAW ENFORCEMENT LEGISLATIVE UPDATE

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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, 2018, 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 422 / SB 306 Alcoholic beverage control; sales by brewery on licensed premises. Requires that when a brewery licensee sells at retail the brands of beer that the brewery owns, at least 20 percent of the volume of beer sold for on-premises consumption in any calendar year shall be manufactured on the licensed premises. The bill has a delayed effective date of January 1, 2019, with a further delayed effective date of April 30, 2022, for a brewery that has entered into (i) a performance agreement with the Commonwealth of Virginia Development Opportunity Fund on or about April 20, 2016; (ii) a performance agreement entitled "Regarding Operation Period Economic Development Grant" on or about April 20, 2016; and (iii) a commercial lease agreement on or about April 14, 2017.

HB 820 / SB 382 Alcoholic beverage control; delivery of wine or beer to retail licensee; wholesaler requirement. Requires that before any wine or beer may be delivered to a retail licensee for resale, such wine or beer first be delivered to the licensed premises of a wine or beer wholesaler, unloaded from the transporting vehicle, kept on the licensed premises of the wholesaler for not less than four hours prior to reloading on a vehicle, and recorded in the wholesaler's inventory. The bill exempts any holder of a restricted wholesale wine license issued pursuant to § 4.1-207.1 from the requirement to keep the wine or beer on the licensed premises of the wholesaler for not less than four hours prior to reloading on a vehicle.

HB 1520 Alcoholic beverage control; exemptions from licensure; nonprofit swim clubs. Allows any private swim club operated by a duly organized nonprofit corporation or association to allow its members to bring lawfully acquired alcoholic beverages onto the premises of such club and consume such alcoholic beverages on the premises of such club.

HB 1602 / SB 61 Alcoholic beverage control; confectionery license. Creates a confectionery license, which authorizes the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. The bill provides that any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold and requires the Board of Directors of the Alcoholic Beverage Control Authority to promulgate regulations to implement the provisions of the bill, which shall include a definition of the term "confectionery" and labeling requirements for such confectionery.

SB 486 Alcoholic beverage control; distiller licensee; samples; banquet licenses. Allows licensed distillers to include in mixed beverage samples spirits or vermouth not manufactured on the licensed premises, provided that at least 75 percent of the alcohol used in such samples is manufactured on the premises. The bill also increases the number of banquet licenses for special events a licensed distiller may purchase per year from four to eight and allows the licensee to sell samples of spirits at such special events.

SB 588 Alcoholic beverage control; annual mixed beverage special events licenses. Allows annual mixed beverage special events licenses to be issued to localities for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality.

SB 695 Alcoholic beverage control; Internet beer retailers. Creates an Internet beer retailer license, establishes the privileges of and fee for the license, and defines "Internet beer retailer."

II. Animals

HB 359 Rabies; quarantine of dog after possible exposure; police dogs. Requires a local health director, in determining whether to quarantine a dog that may have exposed a person to rabies through a bite, to weigh any proof that the dog has both a current rabies vaccination and a current certification of special training for police work, military work, or work as a first responder.

HB 1607 Abandonment of an animal; penalty. Decreases from five days to four days the minimum length of time for which failing to provide the elements of basic care constitutes abandonment of an animal. The bill increases from a Class 3 misdemeanor to a Class 1 misdemeanor the penalty for abandonment of an animal.

SB 571 Releasing agencies; notice of dangerous animal; penalty. Requires a custodian of a releasing agency, animal control officer, law-enforcement officer, or humane investigator, upon taking custody of any dog or cat from a person in the course of his official duties, to ask and document whether, if known, the dog or cat has bitten a person or other animal and the circumstances and date of such bite. The bill requires any representative of a releasing agency, animal control officer, law-enforcement officer, or humane investigator, upon release of a dog or cat for (i) adoption, (ii) return to a rightful owner, or (iii) transfer to another agency, to disclose, if known, that the dog or cat has bitten a person or other animal and the circumstances and date of such bite. Violation of such requirements is a Class 3 misdemeanor.

SB 996 Animal shelters; vaccinations; administration of biological products. Authorizes the operator or custodian of a public animal shelter to vaccinate animals that are confined in such shelter to prevent the risk of communicable diseases. The bill also provides that a public or private animal shelter may purchase, possess, and administer certain Schedule VI biological products for the purpose of preventing, controlling, and treating certain communicable diseases that failure to control would result in transmission to the animal population in the shelter and may administer such biological products only pursuant to written protocols.

III. Asset Forfeiture

SB 813 Sharing of forfeited assets; report. Provides that a state or local agency that receives a forfeited asset or an equitable share of the net proceeds of a forfeited asset from the Department of Criminal Justice Services (Department) or from a federal asset forfeiture proceeding shall inform the Department of (i) the offense on which the forfeiture is based, (ii) any criminal charge brought against the owner of the forfeited asset, and (iii) if a criminal charge was brought, the status of the criminal charge. The bill also provides that the Department shall include such information in the annual report that it provides to the Governor and the General Assembly concerning the sharing of forfeited assets.

IV. Correctional Facilities

HB 83 Feminine hygiene products; no cost to female prisoners or inmates. Directs the State Board of Corrections and the Director of the Department of Corrections to each adopt and implement a standard or procedure to ensure the provision of feminine hygiene products to female prisoners and inmates without charge.

HB 301 Disclosure of health records; state and local correctional facilities. Clarifies that disclosure of health records of a person committed to a state, local, or regional correctional facility to such facility is not subject to general provisions governing disclosure of health records but is subject to provisions specific to persons committed to such facilities. The bill also provides that the person in charge of a correctional facility or his designee is entitled to obtain from a health care provider medical records concerning a person committed to such facility.

HB 1418 / SB 851 Correctional Officer Procedural Guarantee Act. Creates the Correctional Officer Procedural Guarantee Act to establish procedural guarantees for correctional officers when allegations are made against such officers involving matters that may lead to their dismissal, demotion, suspension, or transfer for punitive reasons.

V. Courts

HB 235 / SB 180 Acceptability of electronic medium; record of criminal proceedings to appellate court. Provides that in a criminal proceeding in circuit court any statutory requirement for an original, original paper, paper, record, document, facsimile, memorandum, exhibit, certification, or transcript shall be satisfied if such item is in an electronic form approved for filing under the Rules of Supreme Court of Virginia. The bill also provides that in a criminal proceeding any statutory authorization for the use of copies or reproductions shall be satisfied by use of such copies or reproductions in hard copy or electronic form approved for filing under the Rules of Supreme Court of Virginia. Under current law, only in civil proceedings are such statutory requirements and authorizations satisfied by an approved electronic form of such items. This bill is a recommendation of the Judicial Council.

HB 378 / SB 524 Electronic case papers; transmission between district and circuit courts. Makes applicable to juvenile and domestic relations district courts current provisions related to electronic case papers and transmission of such papers between the general district courts and the circuit courts by relocating such provisions from a statute specifically addressing general district courts to a statute applicable to all district courts. The bill also allows the appellate court clerk to request the forwarding of paper trial records. As introduced, this bill was a recommendation of the Committee on District Courts and the Judicial Council.

HB 1055 Sentencing guidelines; written explanation. Provides that the report of a judge's judicial performance evaluation, which is transmitted to the General Assembly, shall include the number of cases in which such judge did not file a written explanation of any departure from the sentencing guidelines as required by law.

HB 780 / SB 564 Public access to nonconfidential court records. Provides that a clerk of court or the Executive Secretary of the Supreme Court shall make nonconfidential court records or reports of aggregated, nonconfidential case data available to the public upon request. The bill specifies that such records or reports shall be provided no later than 30 days after the request. The bill further provides that the clerk may charge a fee for responding to such request that shall not exceed the actual cost incurred in accessing, duplicating, reviewing, supplying, or searching for the requested records. Finally, the bill requires the Executive Secretary of the Supreme Court to make available to the public an online case information system of nonconfidential information for criminal cases by July 1, 2019.

VI. Crimes

HB 292 Reports to school division superintendents; abduction. Adds abduction to the list of offenses that are reported to school division superintendents by a juvenile intake officer when a petition is filed alleging a student committed such offense. The bill also adds abduction and acts of violence by mobs to the list of offenses reported to school division superintendents by a law-enforcement officer when a student who is 18 years of age or older is arrested for committing such an offense; acts of violence by mobs is already on the list reported by an intake officer for a minor student. The bill also adds abduction on school property, on a school bus, or at a school-sponsored activity to the list of incidents to be reported to school division superintendents and principals.

HB 304 Certain fraud crimes; multi-jurisdiction grand jury; Virginia Consumer Protection Act. Adds the offenses of obtaining money by false pretense, financial exploitation of mentally incapacitated persons, and construction fraud to the prohibited practices under the Virginia Consumer Protection Act (§ 59.1-196 et seq.). Allows certain fraud crimes to be investigated by multi-jurisdiction grand jury.

HB 911 Automatic renewal offers and continuous service offers; penalties. Prohibits a supplier making an automatic renewal or continuous service offer to a consumer in the Commonwealth from (i) failing to present the automatic renewal or continuous service offer terms in a clear and conspicuous manner, (ii) charging the consumer for an automatic renewal or continuous service without first obtaining the consumer's affirmative consent, and (iii) failing to provide an acknowledgment that includes the automatic renewal or continuous service offer terms, cancellation policy, and information regarding how to cancel in a manner that is capable of being retained by the consumer. In the case of a material change in the terms of the automatic renewal or continuous service offer, the bill requires the supplier to provide the consumer with a clear and conspicuous notice of the material change and information regarding how to cancel. The measure provides that in any case in which a supplier sends any goods, wares, merchandise, or products to a consumer under a continuous service agreement or automatic renewal of a purchase without first obtaining the consumer's affirmative consent, the goods, wares, merchandise, or products shall for all purposes be deemed an unconditional gift to the consumer. The bill exempts certain services and businesses from its provisions. A violation is a prohibited practice under the Virginia Consumer Protection Act, though a supplier is not subject to civil penalties or damages if the supplier makes a good faith effort to comply with the measure's requirements. The measure has a delayed effective date of January 1, 2019.

HB 1550 / SB 105 Grand larceny; threshold. Increases from \$200 to \$500 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill increases the threshold by the same amount for the classification of certain property crimes.

SB 47 Female genital mutilation; criminal penalty. Increases from a Class 1 misdemeanor to a Class 2 felony the penalty for any person to knowingly circumcise, excise, or infibulate the labia majora, labia minora, or clitoris of a minor; for any parent or guardian charged with the care of a minor to consent to such circumcision, excision, or infibulation; or for any parent or guardian charged with the care of a minor to knowingly remove or cause or permit the removal of such minor from the Commonwealth for the purposes of performing such circumcision, excision, or infibulation.

SB 57 Fleeing from a law-enforcement officer. Relocates the existing section prohibiting fleeing from a law-enforcement officer to a more logical location with prohibitions for obstructing justice and resisting arrest.

SB 725 Posting human trafficking hotline information. Requires local departments of health, the Department of Transportation, at each rest area in the Commonwealth, and certain health care facilities to post notice of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a means to report crimes or gain assistance.

SB 451 / HB 594 Local government; authority to require abatement of criminal blight on real property. Authorizes any locality to enact an ordinance that requires corrective action to address criminal blight conditions on certain real property. The bill defines criminal blight to include conditions on real property that endanger residents of the community by the regular presence of persons using the property for controlled substance use or sale and other criminal activities, specifically commercial sex trafficking or prostitution or repeated acts of the malicious discharge of a firearm within a building or dwelling. Current law allows local governments to enact an ordinance for taking action against a property owner with regard to illegal drug activity on such real property within the locality. As introduced, this bill was a recommendation of the Virginia Housing Commission.

VII. Criminal Background Checks

HB 135 / SB 109 Dissemination of juvenile record information; emergency medical services agency applicants. Provides that juvenile record information maintained in the Central Criminal Records Exchange may be disseminated (i) to the State Health Commissioner or his designee for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency and (ii) to the chief law-enforcement officer of a locality, or his designee who shall be an individual employed as a public safety official of the locality, that has adopted an ordinance to conduct investigations of employment applicants for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency.

HB 227 Adoption by stepparent; background check. Requires a circuit court, when determining whether an investigation by the director of the local department of social services should be required before a final order is entered to approve as an adoptive parent the spouse of a child's birth or adoptive parent, to consider the results of a national criminal history background check conducted on the prospective adoptive parent. The provisions of the bill expire on July 1, 2020.

HB 873 / SB 121 Child care providers; criminal history background check; sunset and contingency. Extends from July 1, 2018, to July 1, 2020, the expiration date and contingency on the requirement that the following individuals undergo fingerprint-based national criminal history background checks: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with any licensed family day system, child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as agents of such applicants and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant of 2014, as well as the applicant's current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home.

HB 988 Criminal history record information; discovery. Provides that laws precluding dissemination of a person's criminal history record information do not preclude dissemination made pursuant to the rules of court for obtaining discovery or for review by the court.

SB 716 Department of State Police; recommend options to expedite the process of performing background checks; report. Requests that the Department of State Police (the Department) identify, analyze, and recommend options to expedite and improve the efficiency of its process for performing requested background checks. The bill requires the Department to report its findings and recommendations to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by November 1, 2018.

VIII. Data Collection & Dissemination

HB 1277 Government Data Collection and Dissemination Practices Act; sharing and dissemination of data. Amends the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) to facilitate the sharing of data among agencies of the Commonwealth and between the Commonwealth and political subdivisions.

SB 407 Government Data Collection and Dissemination Practices Act; exemption for the Division of Capitol Police. Exempts personal information systems maintained by the Division of Capitol Police that deal with investigations and intelligence gathering relating to criminal activity from the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.).

SB 580 Data collection and dissemination; governance; opioid addiction. Amends the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) to facilitate the sharing of data among agencies of the Commonwealth and between the Commonwealth and political subdivisions. The bill creates the position of Chief Data Officer of the Commonwealth (CDO), housed in the office of the Secretary of Administration, to (i) develop guidelines regarding data usage, storage, and privacy and (ii) coordinate and oversee data sharing in the Commonwealth to promote the usage of data in improving the delivery of services. The bill also creates a temporary Data Sharing and Analytics Advisory Committee (Advisory Committee) to advise the CDO in the initial establishment of guidelines and best practices and to make recommendations to the Governor and General Assembly regarding a permanent data governance structure. The bill directs the CDO and the Advisory Committee to focus their initial efforts on developing a project for the sharing, analysis, and dissemination at a state, regional, and local level of data related to substance abuse, with a focus on opioid addiction, abuse, and overdose.

IX. Drones

HB 638 / SB 526 Trespass; unmanned aircraft system; report; penalty. Provides that any person who knowingly and intentionally causes an unmanned aircraft system to enter the property of another and come within 50 feet of a dwelling house (i) to coerce, intimidate, or harass another person or (ii) after having been given notice to desist, for any other reason, is guilty of a Class 1 misdemeanor. The bill also provides that any person who is required to register with the Sex Offender and Crimes Against Minors Registry who uses or operates an unmanned aircraft system to knowingly and intentionally (a) follow or contact another person without such person's permission or (b) capture images of another person without such person's permission when such images render the person recognizable is guilty of a Class 1 misdemeanor. Additionally, any respondent of a permanent protective order who uses or operates an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of any individual named in the protective order is guilty of a Class 1 misdemeanor. The bill also repeals the expiration of the prohibition on local regulation of privately owned, unmanned aircraft systems, clarifies the scope of such prohibition, and clarifies that such prohibition extends to all political subdivisions and not only to localities. The bill requires the Secretary of Commerce and Trade, in consultation with the Virginia Economic Development Partnership, to submit a report to the Governor and General Assembly no later than November 1, 2019, on the impact of this act on unmanned aircraft research, innovation, and economic development in Virginia.

HB 1482 / SB 508 Use of unmanned aircraft system; public bodies. Allows an unmanned aircraft system to be deployed without a warrant (i) by a law-enforcement officer to survey the scene of an accident for the purpose of crash reconstruction and record photographic or video images of the scene and (ii) by the Department of Transportation when assisting a law-enforcement officer to prepare a report of such accident because of personal injury, death, or property damage of \$1,500 or more.

SB 186 Unmanned aircraft by a locality; search warrant; exception. Authorizes a state or local government department, agency, or instrumentality having jurisdiction over criminal law enforcement or regulatory violations to utilize an unmanned aircraft system without a search warrant when such system is utilized to support any locality for a purpose other than law enforcement.

X. Drugs – Hemp, CBD Oil, THC-A Oil

HB 532 / SB 247 Industrial hemp research programs. Authorizes the Commissioner of Agriculture and Consumer Services to undertake research through the establishment of (i) a higher education industrial hemp research program, to be managed by institutions of higher education, and (ii) a Virginia industrial hemp research program. The bill classifies all participants in any research program as either growers or processors and replaces the current licensing requirement, which requires a police background check, with a registration requirement. The original bill would have essentially legalized marijuana because it would have required that we had to exclude that the substance was hemp.

HB 1251 / SB 726 CBD oil and THC-A oil; certification for use; dispensing. Provides that a practitioner may issue a written certification for the use of cannabidiol (CBD) oil or THC-A oil for the treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use. Under current law, a practitioner may only issue such certification for the treatment or to alleviate the symptoms of intractable epilepsy. The bill increases the supply of CBD oil or THC-A oil a pharmaceutical processor may dispense from a 30-day supply to a 90-day supply. The bill reduces the minimum amount of cannabidiol or tetrahydrocannabinol acid per milliliter for a dilution of the Cannabis plant to fall under the definition of CBD oil or THC-A oil, respectively. As introduced, this bill was a recommendation of the Joint Commission on Health Care. The bill contains an emergency clause.

SB 330 CBD and THC-A oil. Adds cannabidiol oil (CBD oil) or THC-A oil to the list of covered substances the dispensing of which must be reported to the Prescription Monitoring Program. The bill requires a practitioner, prior to issuing a written certification for CBD oil or THC-A oil to a patient, to request information from the Director of the Department of Health Professions for the purpose of determining what other covered substances have been dispensed to the patient. The bill requires the Board of Pharmacy to (i) promulgate regulations that include a process for registering CBD oil and THC-A oil products and (ii) require an applicant for a pharmaceutical processor permit to submit to fingerprinting and provide personal descriptive information to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for a criminal history record search. The bill requires a pharmacist or pharmacy technician, prior to the initial dispensing of each written certification, to (a) make and maintain for two years a paper or electronic copy of the written certification that provides an exact image of the document that is clearly legible; (b) view a current photo identification of the patient, parent, or legal guardian; and (c) verify current board registration of the practitioner and the corresponding patient, parent, or legal guardian. The bill requires that, prior to any subsequent dispensing of each written certification, the pharmacist, pharmacy technician, or delivery agent view the current written certification; a current photo identification of the patient, parent, or legal guardian; and the current board registration issued to the patient, parent, or legal guardian. Finally, the bill requires a pharmaceutical processor to ensure that the percentage of tetrahydrocannabinol in any THC-A oil on site is within 10 percent of the level of tetrahydrocannabinol measured for labeling and to establish a stability testing schedule of THC-A oil. Emergency clause to go into effect upon passage.

XI. Drugs – Opioid Issues, PMPs

HB 155 / SB 329 Clinics for the treatment of opioid addiction; location; Henrico, Richmond, Newport News Provides that the prohibition on locating clinics for the treatment of persons with opiate addiction through the use of methadone or opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration within one-half mile of a public or private licensed day care center or a public or private K-12 school shall not apply to an applicant for a license to operate in its current location if the facility is within one-half mile of a public or private licensed day care center or a public or private K-12 school in Henrico County, the City of Richmond, or the City of Newport News and has been licensed and operated as a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements by another provider immediately prior to submission of the application for a license.

HB 313 / SB 728 Prescription Monitoring Program; prescriber and dispenser patterns. Requires the Director of the Department of Health Professions to annually review controlled substance prescribing and dispensing patterns. The bill requires the Director to conduct such review in consultation with an advisory panel consisting of representatives from the relevant health regulatory boards, the Department of Health, the Department of Medical Assistance Services, and the Department of Behavioral Health and Developmental Services. The bill requires the Director to make any necessary changes to the criteria for unusual patterns of prescribing and dispensing and report any findings and recommendations for best practices to the Joint Commission on Health Care by November 1 of each year.

HB 322 Naloxone or other opioid antagonist; possession & administration. Adds employees of the Department of Corrections who are designated as probation and parole officers or correctional officers to the list of individuals who may possess and administer naloxone or other opioid antagonist, provided that they have completed a training program.

HB 842 Possession or distribution of controlled paraphernalia; hypodermic needles and syringes; naloxone. Provides that a person who is authorized by the Department of Behavioral Health and Developmental Services to train individuals on the administration of naloxone for use in opioid overdose reversal and who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal and that has obtained a controlled substances registration

from the Board of Pharmacy may dispense or distribute hypodermic needles and syringes in conjunction with such dispensing of naloxone and that a person to whom naloxone has been distributed by such individual may possess hypodermic needles and syringes in conjunction with such possession of naloxone. The bill also allows the dispensing or distributing of hypodermic needles and syringes by persons authorized to dispense naloxone. The bill contains an emergency clause.

HB 878 /SB 413 Delivery of Schedule VI prescription devices. Provides that a permitted manufacturer, wholesale distributor, warehouse, nonresident warehouse, third-party logistics provider, or nonresident third-party logistics provider or registered nonresident manufacturer or nonresident wholesale distributor (the provider) may deliver a Schedule VI prescription device directly to an ultimate user or consumer, provided that the provider is delivering on behalf of and has entered into an agreement with (i) a medical equipment supplier that has received a valid order from a prescriber authorizing the dispensing of the Schedule VI prescription device or (ii) a medical director of a home health agency, nursing home, assisted living facility, or hospice who has requested the distribution of the Schedule VI prescription device to be administered by persons authorized to administer such devices. The bill directs the Board of Pharmacy to promulgate regulations to implement the provisions of the measure within 280 days.

HB 1173 / SB 632 Limits on prescription of controlled substances containing opioids. Eliminates the surgical or invasive procedure treatment exception to the requirement that a prescriber request certain information from the Prescription Monitoring Program (PMP) when initiating a new course of treatment that includes prescribing opioids for a human patient to last more than seven days. Under current law, a prescriber is not required to request certain information from the PMP for opioid prescriptions of up to 14 days to a patient as part of treatment for a surgical or invasive procedure. The bill has an expiration date of July 1, 2022.

HB 1194 Schedule I controlled substances; adds various drugs to list.

HB 1556 / SB 832 Prescription Monitoring Program; covered substances. Adds controlled substances included in Schedule V for which a prescription is required and naloxone to the list of covered substances the dispensing of which must be reported to the Prescription Monitoring Program.

SB 399 Local or regional overdose fatality review teams. Authorizes any county or city, or any combination of counties, cities, or counties and cities, to establish a local or regional overdose fatality review team for the purpose of (i) conducting contemporaneous reviews of local overdose deaths, (ii) promoting cooperation and coordination among agencies involved in investigations of overdose deaths or in providing services to surviving family members, (iii) developing an understanding of the causes and incidence of overdose deaths in the locality, (iv) developing plans for and recommending changes within the agencies represented on the local team to prevent overdose deaths, and (v) advising the Department of Health and other relevant state agencies on changes to law, policy, or practice to prevent overdose deaths. The bill authorizes a local or regional team to review the death of any person who resides in the Commonwealth and whose death was or is suspected to be due to overdose. A violation of the confidentiality of the review process is punishable as a Class 3 misdemeanor.

SB 735 Prescription Monitoring Program; disclosure of information; Department of Medical Assistance Services. Allows the Director of the Department of Health Professions to disclose information about a specific recipient of covered substances who is a recipient of medical assistance services to a physician or pharmacist licensed in the Commonwealth or his designee who holds a multistate licensure privilege to practice nursing or a license issued by a health regulatory board within the Department of Health Professions and is employed by the Department of Medical Assistance Services, for the purpose of determining eligibility for and managing the care of the recipient in a Patient Utilization Management Safety or similar program.

XII. Evictions / Landlord-Tenant

HB 856 Unlawful detainer; execution of writ of possession. Permits a judge, upon request of the plaintiff, to issue a writ of possession immediately upon entry of judgment in an unlawful detainer case. The bill requires the sheriff to serve notice of the writ, including the date and time of eviction, on the defendant at least 72 hours prior to execution of the writ. The bill further provides that a sheriff shall not evict the defendant from the dwelling unit sooner than the expiration of the defendant's 10-day appeal period.

HB 1227 /SB 286. Landlord and tenant law; transient lodging as primary residence for fewer than 90 consecutive days; self-help eviction. Clarifies that the availability of the use of self-help eviction in certain circumstances to the owner of transient lodging shall not preclude such owner from pursuing any civil or criminal remedies under the laws of the Commonwealth.

XIII. Family Abuse

HB 262 Protective orders; family abuse; cellular telephone number or electronic device. Provides that as a condition to be imposed by the court on the respondent, a petitioner with a protective order issued in a case that alleges family abuse and, where appropriate, any other family or household member may be granted exclusive use and possession of a cellular telephone number or electronic device. The bill further provides that a respondent may be enjoined from terminating a cellular telephone number or electronic device before the expiration of the contract term with a third-party provider. The bill provides that the court may enjoin the respondent from using a cellular telephone or electronic device to locate the petitioner.

SB 426 Victims of domestic violence; list of local resources. Provides that upon issuance of an emergency, preliminary, or permanent protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

XIV. Freedom of Information Act (FOIA) / Public Records

HB 228 Virginia Public Records Act; records retained in electronic medium. Provides that notwithstanding any provision of law requiring a public record to be retained in a tangible medium, an agency may retain any public record in an electronic medium, provided that the record remains accessible for the duration of its retention schedule and meets all other requirements of the Virginia Public Records Act (§ 42.1-76 et seq.). The bill provides that this provision shall not be deemed to affect any law governing the retention of exhibits received into evidence in a criminal case in any court.

HB 297 Administrative Process Act; guidance documents. Exempts guidance documents, defined in the bill, from the requirements of the Administrative Process Act (§ 2.2-4000 et seq.), provided that the agency that developed the guidance document certifies that the document conforms to the definition of a guidance document. Each guidance document is then subject to a 30-day public comment period through the Virginia Regulatory Town Hall website, after publication in the Virginia Register of Regulations and prior to the effective date of the document. If a comment received during the public comment period asserts that the guidance document is contrary to state law or regulation or that it should not be exempt, the effective date of the guidance document shall be delayed an additional 30 days, during which time the agency shall address the comments and provide a response in writing. The bill also provides that guidance documents do not include agency (i) rulings and advisory opinions, (ii) forms and instructions, (iii) bulletins and legislative summaries, (iv) studies and reports, and (v) internal manuals and memoranda. The bill has a delayed effective date of January 1, 2019.

HB 727 Virginia Freedom of Information Act; exclusion of records relating to public safety. Clarifies the exclusion from mandatory disclosure under the Virginia Freedom of Information Act (FOIA) of information that would disclose the security aspects of a system safety program plan adopted pursuant to Federal Transit Administration regulations governing the Commonwealth's designated Rail Fixed Guideway Systems Safety Oversight agency. Current law excludes information that would disclose the security aspects of such system safety program plan by providing a specific citation to the Code of Federal Regulations.

HB 906 Virginia Freedom of Information Act; definition of electronic communication. Clarifies the definition of electronic communication in the Virginia Freedom of Information Act by amending it to mean the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information. This bill is a recommendation of the Freedom of Information Advisory Council.

HB 907 Virginia Freedom of Information Act; meetings held by electronic communication means. Consolidates existing provisions concerning public meetings conducted by electronic communication means. The bill contains technical amendments. This bill is a recommendation of the Freedom of Information Advisory Council.

HB 908 Virginia Freedom of Information Act; meetings held by electronic communication means. Removes the Freedom of Information Act requirement that the remote locations from which members of a public body participate in meetings through electronic communication means be open to the public. Instead, members of the public must be provided an electronic communication means substantially equivalent to that provided to members of the public body through which the public may witness the meeting. The bill provides that public access to remote locations from which members of the public body participate through electronic communication means shall be encouraged but not required; however, if three or more members are gathered at the same remote location, such remote location must be open to the public. The bill also amends the annual reporting requirements for public bodies

that meet by electronic communication means. This bill is a recommendation of the Freedom of Information Advisory Council.

HB 909 Virginia Freedom of Information Act; disclosure of law-enforcement and criminal records. Clarifies that the discretionary exemptions contained in the Freedom of Information Act pertaining to law-enforcement and criminal records may be used by any public body. Current law only permits such exemptions to be used by public bodies engaged in criminal law-enforcement activities. The bill also restricts the application of the discretionary exemption for those portions of noncriminal incident or other noncriminal investigative reports or materials that contain identifying information of a personal, medical, or financial nature, the release of which would jeopardize the safety or privacy of any person, to only those portions of noncriminal incident or other noncriminal investigative reports or materials that are in the possession of public bodies (i) engaged in emergency medical services, (ii) engaged in fire protection services, (iii) engaged in criminal law-enforcement activities, or (iv) engaged in processing calls for service or other communications to an emergency 911 system or any other equivalent reporting system. This bill is a recommendation of the Freedom of Information Advisory Council.

XV. Hunting / Fishing

HB 239 / SB 375 Hunting with the assistance of dogs; hunting or killing raccoons on Sunday. Removes the prohibition on hunting or killing raccoons after 2:00 a.m. on Sunday.

HB 564 Hunting apparel; hunting from enclosed ground blind; solid blaze orange or solid blaze pink. Allows a hunter hunting from an enclosed ground blind during any firearms deer season, except during the special season for hunting deer with a muzzle-loading rifle only, to display attached to or immediately above the blind at least 100 square inches of solid blaze orange or solid blaze pink material visible from 360 degrees in lieu of wearing specified hunting apparel. The bill also requires that all specified blaze orange or blaze pink hunting apparel or material be solid in color and safety or fluorescent in hue. The bill contains technical amendments.

HB 577 Crab scraping; possession of hard crabs. Removes the prohibition on the possession of hard crabs while having a crab scrape on board a vessel.

HB 635 Free fishing day; rain day; emergency. Permits the Board of Game and Inland Fisheries to designate a substitute free day in the event that a free day is canceled as a result of inclement weather. The bill became effective on March 2, 2018.

HB 853 Saltwater recreational fishing license; member of Indian tribe exempt. Exempts from the requirements of obtaining a saltwater recreational fishing license and a commercial gear license for recreational purposes any person who is a member of an American Indian tribe that is recognized by the Commonwealth. The bill requires such person to carry an identification card or other documentation of the fact that he is a member of the tribe and provides that such documentation shall create a presumption of residence in Virginia that may be rebutted by proof of actual residence elsewhere.

HB 995 Tracking wounded bear, deer, or turkey. Allows a licensed hunter to use tracking dogs to find a wounded or dead bear, deer, or turkey. The bill authorizes the hunter to have a weapon in his possession and to use it to humanely kill the tracked animal, including after legal shooting hours. The bill prohibits using the weapon to hunt, wound, or kill any animal other than the animal the hunter is tracking, except in self-defense. Current law prohibits a hunter from having a weapon in his possession while tracking.

HB 1151 Nonresident youth fishing license; exemption. Authorizes a nonresident under age 16 to fish without a fishing license when accompanied by a person possessing a valid license to fish in Virginia and allows such nonresident to fish for trout without a license in designated waters. Current law allows a nonresident under age 12 to fish without a license but requires a license for such nonresident when fishing for trout in designated waters.

HB 1393 / SB 859 Arrowgun hunting; license. Authorizes the use of an arrowgun, a pneumatic-powered air gun, for hunting and allows certain disabled hunters to obtain an archery license for hunting with an arrowgun.

HB 1328 Hunting; disabled hunter exempt from local tree stand requirement. Exempts certain disabled hunters from any local ordinance requiring hunting from an elevated platform or tree stand.

XVI. Juveniles / Minors

HB 35 / SB 52 Juveniles; places of confinement. Provides that when juveniles who are determined by the court to be a threat to the security or safety of other juveniles detained in a juvenile secure facility are transferred to or confined to a jail or other facility for the detention of adults, such adult-detention facility must be approved by the State Board of Corrections for the detention of juveniles. The bill removes an existing provision that such juveniles need not be separated and removed from the adult detainees when confined with adults

HB 274 Informal truancy plans; students proceeded against or adjudicated on more than 2 occasions. Provides that a student may have up to three discretionary diversions for truancy so long as the immediately previous diversion occurred at least three calendar years prior to the current diversion.

HB 292 Reports to school division superintendents; abduction. Adds abduction to the list of offenses that are reported to school division superintendents by a juvenile intake officer when a petition is filed alleging a student committed such offense. The bill also adds abduction and acts of violence by mobs to the list of offenses reported to school division superintendents by a law-enforcement officer when a student who is 18 years of age or older is arrested for committing such an offense; acts of violence by mobs is already on the list reported by an intake officer for a minor student. The bill also adds abduction on school property, on a school bus, or at a school-sponsored activity to the list of incidents to be reported to school division superintendents and principals.

HB 326 Child abuse and neglect; venue may lie where alleged abuse or neglect occurred. Provides that, for cases in juvenile and domestic relations district court involving an allegedly abused or neglected child, venue may lie in the city or county where the alleged abuse or neglect occurred in addition to the city or county where the child resides or where the child is present when the proceedings are commenced.

HB 437 / SB 920 Adoption and foster care; barrier crimes; exception. Allows a child-placing agency to approve as an adoptive or foster parent an applicant convicted of any offense set forth in the definition of barrier crime in clause (iv) of § 19.2-392.02 who has had his civil rights restored by the Governor or other appropriate authority, provided that eight years have elapsed following the conviction and that the applicant (i) has complied with all obligations imposed by the criminal court; (ii) has completed a substance abuse treatment program; (iii) has completed a drug test administered by a laboratory or medical professional within 90 days prior to being approved, and such test returned with a negative result; and (iv) complies with any other obligations as determined by the Department of Social Services.

HB 511 Child abuse or neglect; sex offenders; investigations; reports to Commonwealth's Attorney. Adds the complaint that a child has been left alone in the same dwelling with a person to whom the child is not related by blood or marriage and who has been convicted of a sexually violent offense against a minor to the list of complaints of suspected child abuse or neglect upon receipt of which a local department of social services is required to notify the local attorney for the Commonwealth. The bill also adds such a complaint to the list of complaints that a local department that has been designated as a child-protective services differential response agency by the Department of Social Services must investigate.

HB 708 Rear-facing child restraint devices. Prohibits child restraint devices from being forward-facing until, at least, the child reaches two years of age or until the child reaches the minimum weight limit for a forward-facing child restraint device as prescribed by the manufacturer of the device. The bill expands the reasons that a physician may determine that it is impractical for a child to use a child restraint system to include the child's height. The bill has a delayed effective date of July 1, 2019.

HB 902 Sex Offenders and Crimes Against Minors Registry; similar offenses; removal from Registry. Provides that the requirement that a person required to register with the Sex Offenders and Crimes Against Minors Registry who was convicted of certain crimes involving child pornography or carnal knowledge of a minor in juvenile custody under Virginia wait 25 years before being entitled to file a petition for removal of his name or information from the Registry also applies to a person convicted of similar offenses under the laws of any foreign country, the United States, or a political subdivision of either.

HB 1212 Pro se minors; signing of pleading, motion, or other paper by next friend. Provides that a minor who is not represented by an attorney shall sign his pleading, motion, or other paper by his next friend. The bill further provides that either or both parents of such minor may sign on such minor's behalf as his next friend, unless such signature is otherwise prohibited by § 64.2-716 of the Uniform Trust Code.

HB 1355 Alternative facility of temporary detention; minors. Establishes the same procedure for transferring custody of a minor who is the subject of a temporary detention order from one facility to another facility that already exists for transferring custody of adults.

SB 89 Civil proceedings involving child abuse or neglect; testimony of children; closed-circuit television. Adds proceedings involving family abuse protective orders to the list of civil proceedings involving alleged abuse and neglect of a child for which a court may order that the testimony of certain child victims or witnesses be taken outside the courtroom via two-way closed-circuit television.

SB 392 Involuntary commitment of a juvenile; notification of parents. Permits the court to proceed with a hearing for the involuntary commitment of a juvenile in instances where both parents cannot be notified if the court determines that copies of the petition for involuntary commitment and notice of the hearing have been served on at least one parent and a reasonable effort has been made to serve such copies on both parents.

SB 609 Retention of jurisdiction over juvenile offenders. Clarifies that when a juvenile and domestic relations district court obtains jurisdiction in the case of any child, such jurisdiction includes the authority to suspend, reduce, modify, or dismiss the disposition of any juvenile adjudication until such person reaches 21 years of age, except when the person is in the custody of the Department of Juvenile Justice or the court is divested of jurisdiction. The bill provides that it is declaratory of existing law.

SB 669 Involuntary mental health treatment; minors; access to firearms. Provides that a person who, while a minor 14 years of age or older, was ordered to involuntary inpatient or outpatient treatment or was subject to a temporary detention order and agreed to voluntary admission (i) is subject to the same restrictions on possessing, purchasing, or transporting a firearm as an adult who was similarly ordered to involuntary treatment or was subject to a temporary detention order and agreed to voluntary admission and (ii) may utilize the same procedure as such adult for petitioning for the restoration of such person's firearm rights. The bill also sets out procedures for the submission of any involuntary treatment order or certification of voluntary admission subsequent to a temporary detention order involving a minor 14 years of age or older to the Central Criminal Records Exchange for purposes of determining a person's eligibility to possess, purchase, or transport a firearm that mirror the current procedures for the submission of such orders or certifications for adults. The bill contains an emergency clause.

XVII. Law Enforcement

HB 151 Conservators of the peace, special; authority. Replaces the powers that may be provided in the power of appointment for a special conservator of the peace (SCOP), which currently may include all powers, functions, duties, responsibilities, and authority of any other conservator of the peace, with only the duties for which the SCOP is qualified by training established by the Department of Criminal Justice Services. The bill requires the order of appointment to provide that such duties shall be exercised only in the geographical limitations specified by the court. The bill requires that the order delineate a limit beyond which the SCOP may not effectuate an arrest following a close pursuit. The bill prohibits all SCOPs from using the word "police" and all SCOPs other than those employed by a state agency from using the seal of the Commonwealth on their equipment in the performance of their duties. The bill provides for certain exceptions from its provisions for SCOPs employed by the Shenandoah Valley Regional Airport Commission and the Richmond Metropolitan Transportation Authority, provided that such SCOPs meet all the requirements for law-enforcement officers, including the minimum compulsory training requirements.

HB 1599 Department of Criminal Justice Services; definitions; law-enforcement officer. Adds (i) members of the investigations unit designated by the State Inspector General to investigate allegations of criminal behavior affecting the operations of a state or nonstate agency and (ii) employees of the Department of Corrections or the Department of Juvenile Justice with internal investigations authority to the definition of law-enforcement officer. Such members and employees would not be eligible for Line of Duty Act benefits.

HB 1388 / SB 513 Enhanced Public Safety Telephone Services Act. Establishes requirements regarding the implementation of next generation 9-1-1 (NG9-1-1) service. By July 1, 2023, the 9-1-1 Services Board (the Board) is required to develop and implement NG9-1-1 transition plans to migrate public service answering points and originating service providers from E-911 to NG9-1-1. The measure alters the formula and criteria for the Board's distribution of funds from the Wireless E-911 Fund. The measure also repeals provisions regarding (i) notices that providers of Voice over Internet protocol service are required to give to subscribers regarding access to E-911 service; (ii) plans for access by Voice over Internet protocol service subscribers to obtain E-911 service; and (iii) the Board's Wireless Carrier E-911 Cost Recovery Subcommittee.

HB 1505 / SB 885 Capitol Police; concurrent jurisdiction. Clarifies that in any case involving the theft or misappropriation of the personal property of any member or employee of the General Assembly, the Capitol Police shall have concurrent jurisdiction with law-enforcement officers of any county contiguous to the City of Richmond.

SB 418 Public safety answering points; deployment of text-to-9-1-1. Requires each public safety answering point (PSAP), by July 1, 2020, to be able to receive and process calls for emergency assistance sent via text message.

SB 912 Retired law-enforcement officers; carrying a concealed handgun; return to work. Clarifies that a retired law-enforcement officer shall surrender his proof of consultation to carry a concealed handgun when he returns to work as a law-enforcement officer. Current law does not specify that his return to work be as a law-enforcement officer.

XVIII. Memorials

HB 1159 Sgt. Lawrence G. Sprader, Jr., Memorial Bridge; designating as the Middle Road over Interstate 295.

HB 1395 Trooper Michael Walter Memorial Highway; designating as a portion of Route 13.

SB 941 Trooper Berke Bates Bridge; designating as bridge on Route 612 over I-64 in New Kent County.

SB 754 Emblems of the Commonwealth; Freedom Flag. Designates the Freedom Flag, designed by a Virginian, as the official flag of remembrance of September 11, 2001.

SB 924 Standards for the display of the Honor and Remember Flag at state buildings and facilities outside of Capitol Square. Provides that in the absence of a directive from the Governor or the Director of the Department of General Services, the head of the state agency that controls any facility or building outside of Capitol Square may determine when to display the Honor and Remember Flag, provided that the Honor and Remember Flag that is displayed is (i) smaller in height and width than the flag of the United States that is officially displayed at the building or facility and (ii) made in the United States.

HJR 309/SR 22 Lt. H. Jay Cullen, III; in recognition of his exceptional leadership and contributions to the Virginia State Police Aviation Unit, the Chesterfield Aviation Base was renamed the Lieutenant H. Jay Cullen Hangar.

XIX. Mental Health

HB 52 Competency and sanity evaluations; location of evaluation. Requires that evaluations to determine whether a person is competent to stand trial or to determine a person's sanity at the time of the commission of a criminal offense be conducted on an outpatient basis at a mental health facility or in jail unless an outpatient evaluation has been conducted and the outpatient evaluator opines that a hospital-based evaluation is needed to reliably reach an opinion or unless the defendant is in the custody of the Commissioner of Behavioral Health and Developmental Services. Currently, such evaluations are to be conducted on an outpatient basis, but a court may order that a person be hospitalized instead if the court finds the services necessary to conduct an outpatient evaluation are not available or if the results of the outpatient evaluation indicate that it is necessary to hospitalize the person for further evaluation.

HB 53 Persons acquitted by reason of insanity; evaluation. Provides that a court may authorize a person acquitted of a crime by reason of insanity to be evaluated for commitment or release with or without conditions on an outpatient basis. The bill provides that if a court authorizes an outpatient evaluation, the Commissioner of Behavioral Health and Developmental Services shall determine whether to conduct the evaluation on an outpatient basis or to confine the person to a hospital for the purpose of such evaluation. The bill also provides that the evaluation shall be conducted in a hospital if the court does not authorize an outpatient evaluation. Under current law, the person acquitted must be confined to a hospital for the purpose of such evaluation.

HB 364 Execution of temporary detention orders; inmates in local correctional facilities. Authorizes deputy sheriffs and jail officers employed by a local correctional facility to execute temporary detention orders issued for inmates of the facility.

HB 1193 Persons acquitted by reason of insanity; commitment; sentencing. Provides that a person who is acquitted by reason of insanity of an offense and convicted of another offense must serve his sentence for the conviction prior to being committed for inpatient hospitalization or, if the person has already been committed at the

time of the conviction, be transferred to the custody of the correctional facility where he is to serve his sentence and returned to commitment upon completion of his sentence.

HB 1355 Alternative facility of temporary detention; minors. Establishes the same procedure for transferring custody of a minor who is the subject of a temporary detention order from one facility to another facility that already exists for transferring custody of adults.

HB 1375 / SB 812 Definition of qualified mental health professional. Broadens the definition of "qualified mental health professional" to include employees and independent contractors of the Department of Corrections who by education and experience are professionally qualified and registered by the Board of Counseling to provide collaborative mental health services.

SB 392 Involuntary commitment of a juvenile; notification of parents. Permits the court to proceed with a hearing for the involuntary commitment of a juvenile in instances where both parents cannot be notified if the court determines that copies of the petition for involuntary commitment and notice of the hearing have been served on at least one parent and a reasonable effort has been made to serve such copies on both parents.

SB 555 Barrier crimes; adult substance abuse and mental health treatment providers. Provides that a community services board or a substance abuse or mental health treatment provider licensed by the Department of Behavioral Health and Developmental Services may hire for compensated employment at an adult substance abuse or mental health treatment program a person who was convicted of burglary.

SB 673 Emergency custody; time period. Repeals the June 30, 2018, sunset on provisions authorizing a community services board to continue to attempt to identify a facility other than a state hospital that is able and willing to provide temporary detention and appropriate care to an individual who is subject to an emergency custody order for up to four hours after the period of emergency custody has run.

XX. Physical Evidence Recovery Kits (PERKs)

HB 303 Physical evidence recovery kits; submission to Department of Forensic Science. Adds as an exception to the requirement that a law-enforcement agency that receives a physical evidence recovery kit submit such kit to the Department for Forensic Science for analysis within 60 days of receipt the circumstance of another law-enforcement agency having taken over responsibility for the investigation related to such kit.

XXI. Post-Conviction Issues

HB 188 / SB 35 Sentence reduction; substantial assistance to prosecution. Allows a convicted person's sentence to be reduced if such person provides substantial assistance, defined in the bill, in the furtherance of the investigation or prosecution of another person engaged in an act of violence or for offenses involving the manufacture or distribution of controlled substances or marijuana. Sentence reduction can occur only upon motion of the attorney for the Commonwealth.

HB 202 Court fines and costs; community service. Requires a court assessing fines and costs against a person for conviction of a crime to inform such person of the availability of earning credit toward discharge of the fine or costs through the performance of community service and provide such person with written notice of terms and conditions of the community service program.

HB 483/SB 562 Restitution; collection; Criminal Injuries Compensation Fund. Adds to the duties of the Workers' Compensation Commission (the Commission) in its role as administrator of the Criminal Injuries Compensation Fund (Fund) the obligation to (i) identify and locate victims for whom restitution owed to such victims has been deposited into the Fund and (ii) collect and disburse such unclaimed restitution to such victims. The bill directs the Commission to include in its annual report information on all unclaimed restitution that it disburses. The bill provides that clerks shall deposit into the Fund by November 1 of each year restitution collected for victims who can no longer be identified or located, or state that there is no such restitution to be deposited. The bill requires that clerks record the receipt of restitution payments in the automated information system operated by the Supreme Court or a system established and maintained by a circuit court. The bill also provides that the restitution form used by the court shall include the victim's contact information, including address, telephone number, and email address.

HB 484 / SB 994 Restitution; probation. Establishes procedures to be used by courts to monitor the payment of restitution by defendants. The bill requires that a probation agency ordered to monitor the restitution payments of a

defendant placed on supervised probation notify the court and the attorney for the Commonwealth of the amount of unsatisfied restitution (i) 60 days prior to the defendant's release from supervision or (ii) if the agency requests that the defendant be released from supervision, at the time the agency submits its request for the defendant's release. The bill requires that the court conduct a hearing prior to the defendant's release from supervision to review the defendant's compliance with the restitution order. The bill also requires that in the case of a defendant who was not placed on supervised probation, the court must schedule a hearing within two years of the date of the restitution order or release from incarceration to review the defendant's compliance with the restitution order. The bill requires that the court continue to conduct hearings to monitor a defendant's compliance with the restitution order for a period of 10 years from the date of the first review hearing or the period of probation, whichever is longer. The bill provides that a court may discontinue hearings to review a defendant's compliance with the restitution order if the court determines that the defendant is unable to pay and will remain unable to pay restitution for the duration of the review period. The bill also sets forth the remedies available to the court, including contempt, in the case of a defendant who fails to comply with a restitution order.

HB 1249 / SB 565 DNA analysis upon conviction of certain misdemeanors. Adds misdemeanor violations of §§ 18.2-57 (assault and battery) and 18.2-119 (trespass) to the list of offenses for which an adult convicted of such offense must have a sample of his blood, saliva, or tissue taken for DNA analysis.

SB 36 Weekend jail time. Allows courts, for good cause and absent objection by the Commonwealth, to impose nonconsecutive or weekend jail time for defendants convicted of a misdemeanor, a traffic offense, any offense under Chapter 5 (§ 20-61 et seq.) of Title 20, or a felony that is not an act of violence as defined in § 19.2-297.1, provided that the active portion of the sentence remaining to be served is 45 days or less. Under current law, the imposition of nonconsecutive or weekend jail time is limited to defendants convicted of a misdemeanor, a traffic offense, or any offense under Chapter 5 (§ 20-61 et seq.) of Title 20. As introduced, it was 90 days or less to serve.

SB 846 Restitution; penalties other than fines; limitations on actions. Provides that the enforcement of an order of restitution docketed as a civil judgment is not subject to any statute of limitations. The bill also provides that the recovery of penalties or costs due the Commonwealth or any political subdivision thereof may be enforced within 60 years from the date of the offense or delinquency giving rise to imposition of such penalty if imposed by a circuit court or within 30 years if imposed by a general district court. Current law provides that such recovery of penalties or costs due shall occur within 20 years from the date of the offense or delinquency giving rise to imposition of such penalty if imposed by a circuit court or within 10 years if imposed by a general district court.

XXII. Pretrial Issues

HB 996 / SB 783 Department of Criminal Justice Services to review pretrial services agencies; report. Requires the Department of Criminal Justice Services (Department) to annually review each pretrial services agency to determine compliance with its biennial plan and operating standards. Current law requires the Department to review each pretrial services agency periodically. The bill also requires the Department to report annually to the Governor and the General Assembly on the performance of each pretrial services agency. This bill is a recommendation of the Virginia State Crime Commission.

HB 1238 Timeliness of indictments, etc.; discharge from jail. Clarifies that only a person in jail on a criminal charge that has been certified or otherwise transferred from a district court to a circuit court is to be discharged from jail if an indictment, presentment, or information is not found or filed against him before the end of the second term of court at which he is held to answer. Discharge of a person from jail under this provision does not preclude his reincarceration on a subsequent indictment or presentment for the same offense.

HB 1260 Admission to bail; human trafficking. Adds the charges of (i) taking or detaining a person for the purposes of prostitution or unlawful sexual intercourse, (ii) receiving money from procuring or placing a person in a house of prostitution or forced labor, (iii) receiving money from the earnings of a prostitute, and (iv) commercial sex trafficking to the list of crimes for which there is a rebuttable presumption against admission to bail.

HB 1266 / SB 566 Report of arrests; fingerprints; trespass; disorderly conduct. Requires that a law-enforcement agency make a report of any arrest of a person for trespassing (§ 18.2-119) or disorderly conduct (§ 18.2-415) to the Central Criminal Records Exchange and that such report be accompanied by the fingerprints and photograph of the person arrested. Under current law, such a report is required for all other misdemeanors punishable by confinement in jail under Title 18.2 (Crimes and Offenses Generally). This bill is a recommendation of the Virginia State Crime Commission.

HB 1511 Service of process; investigator employed by an attorney for the Commonwealth or Indigent Defense Commission. Provides that certain investigators employed by an attorney for the Commonwealth or by the Indigent Defense Commission while engaged in the performance of their official duties shall not be considered a party or otherwise interested in the subject matter in controversy and, thus, are authorized to serve process, provided that the sheriff in the jurisdiction where process is to be served has agreed that such investigators may serve process.

XXIII. Procedure

HB 206 Pawnbrokers; digital image of forms of identification. Eliminates the requirement that pawnbrokers create a digital image of the form of identification used if the form of identification is a United States military issued identification or other form of identification included under 18 U.S.C. § 701. The bill requires the person involved in the transaction to present an alternate government-issued identification card bearing the photograph of such person or the pawnbroker shall be required to take a photograph of such person.

SB 959 Disposition of unclaimed dead body; final orders of transportation and disposition. Provides that in cases in which a county or city attorney or the attorney for the Commonwealth for a county or city requests an order for transportation and disposition of an unclaimed dead body, the attorney shall do so forthwith and without delay and shall request that the order be entered by the court within one business day. The bill also provides that the request shall include instructions for the transportation and disposition of the unclaimed dead body and that the final order may direct the clerk to provide a copy of the final order to the attorney who has submitted the request.

XXIV. Schools

HB 292 Reports to school division superintendents; abduction. Adds abduction to the list of offenses that are reported to school division superintendents by a juvenile intake officer when a petition is filed alleging a student committed such offense. The bill also adds abduction and acts of violence by mobs to the list of offenses reported to school division superintendents by a law-enforcement officer when a student who is 18 years of age or older is arrested for committing such an offense; acts of violence by mobs is already on the list reported by an intake officer for a minor student. The bill also adds abduction on school property, on a school bus, or at a school-sponsored activity to the list of incidents to be reported to school division superintendents and principals.

HB 344 Public institutions of higher education in the Commonwealth; campus free speech; policies, materials, and reports. Requires each public institution of higher education in the Commonwealth to (i) establish and include in its student handbook, on its website, and in its student orientation programs policies regarding speech that is protected under the First Amendment and the process to report incidents of disruption of such speech; (ii) develop materials on such policies and notify any employee who is responsible for the discipline or education of enrolled students of such materials; and (iii) develop, post on its website in a searchable, publicly accessible, and conspicuous manner, and submit to the Governor and the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1 of each year a report on the institution's compliance relating to free speech on campus.

SB 931 / HB 1430 Public institutions of higher education; crisis and emergency management plan; annual exercise. Requires each public institution of higher education to annually conduct a test or exercise in accordance with the protocols established by the institution's crisis and emergency management plan and certify in writing to the Department of Emergency Management that such a test or exercise was conducted. Under current law, each such institution is required to annually conduct a functional exercise (as opposed to a test) in accordance with the protocols of such plan. The bill declares that the activation of its crisis and emergency management plan and completion of an after-action report by a public institution of higher education in response to an actual event or incident satisfies the requirement to conduct such a test or exercise.

XXV. Search Warrant

HB 145 / SB 475 Search warrant for a tracking device; delivery of affidavit. Provides that an affidavit for a search warrant authorizing use of a tracking device may be delivered by a judicial officer's designee or agent. Current law requires the affidavit to be delivered by the judicial officer. As introduced, this bill was a recommendation of the Judicial Council of Virginia.

HB 1164 Return of search warrants to jurisdiction where executed. Provides that return made on search warrants for records or other information pertaining to a subscriber to, or customer of, an electronic communication service or remote computing service shall be made in the circuit court clerk's office for the jurisdiction where the warrant was executed, if executed within the Commonwealth, or issued, if executed outside the Commonwealth. Currently, the return on such warrants is made in the circuit court clerk's office for the jurisdiction where the warrant was executed. The bill also provides that a copy of the return shall be delivered to the clerk of the circuit court where the warrant was issued if the warrant was executed within the Commonwealth.

SB 833 Installation of a pen register or trap and trace device; emergency circumstances. Provides that when disclosure of real-time location data is not prohibited by federal law, an investigative or law-enforcement officer may obtain a pen register or trap and trace device installation without a court order in certain emergency circumstances. The bill provides that when a pen register or trap and trace device is installed without a court order under such circumstances, the investigative or law-enforcement officer shall file with the appropriate court, within three days of seeking such installation, a written statement setting forth the facts giving rise to the emergency and the reasons why the installation of the pen register or trap and trace device was believed to be important in addressing the emergency. The bill also provides that real-time location data may be obtained without a warrant from a provider of electronic communication service or remote computing service in order to locate a child who is reasonably believed to have been abducted or to be missing and endangered.

XXVI. Traffic / Motor Vehicles / Watercraft

HB 55 Maximum speed limit on U.S. Route 501. Increases from 55 miles per hour to 60 miles per hour the maximum speed limit on U.S. Route 501 between the Town of South Boston and the North Carolina state line.

HB 73 / SB 466 Maximum speed limits on certain highways. Increases from 55 miles per hour to 60 miles per hour the maximum speed limit on U.S. Route 301, the entirety of U.S. Route 17, and State Routes 3 and 207.

HB 114 Golf carts and utility vehicles on public highways; equine events. Authorizes the use of golf carts and utility vehicles to cross a one-lane or two-lane highway from one portion to another of a venue hosting an equine event, provided that the crossing occurs on the same day as the equine event, occurs in a temporary traffic control zone with a speed limit of no more than 35 miles per hour, and is monitored and controlled by a uniformed law-enforcement officer.

HB 125 Hauling forest products. Expands for the purpose of issuing an overweight permit for hauling forest products the definition of forest products to include rough-sawn green lumber.

HB 214 / SB 73 Overweight permits for hauling Virginia-grown farm produce; bridges and culverts. Provides that no five-axle-combination vehicle shall be issued an overweight permit for hauling Virginia-grown farm produce unless such vehicle has no less than 42 feet of axle space between extreme axles. The bill provides that no vehicle issued an overweight permit for hauling Virginia-grown farm produce shall cross any bridge or culvert in the Commonwealth if the gross weight of such vehicle is greater than the amount posted for the bridge or culvert as its carrying capacity. Current law requires specific weight limitations based upon axle weights or axle spacing.

HB 236 Parked vehicles; registration, licensing, and titling requirements, improper use. Expands from vehicles operated on a highway to vehicles operated or parked on a highway the class of vehicles subject to registration, licensing, and titling requirements. The bill contains technical amendments.

HB 346 Personal watercraft; operation on public lake smaller than 50 acres; local ordinance. Provides that any locality in Planning District 23 may, by ordinance, prohibit the operation of a personal watercraft on a public lake measuring less than 50 acres in extent, with a violation constituting a Class 4 misdemeanor.

HB 505 Traffic signs; people with disabilities. Allows any person who is deaf, blind, or deaf-blind, any person with autism or an intellectual or developmental disability, or the agent of any such person to request that the Department of Transportation (Department) post and maintain signs informing drivers that a person with a disability may be present in or around the roadway and directs the Department to post and maintain such signs in accordance with regulations developed by the Department.

HB 563 Flashing red or red and white warning lights. Allows vehicles of the National Guard Chemical, Biological, Radiological, Nuclear and High Yield Explosive (CBRNE) Enhanced Response Force Package (CERFP) to utilize flashing, blinking, or alternating red or red and white combination warning lights when responding to an emergency.

HB 581 Inspection stations; appointments. Removes the requirements that any official inspection station that accepts prescheduled appointments shall have two or more inspection lanes and leave one reserved for first-come, first-served inspections.

HB 627 / SB 873 Inspections prior to sale; exception; certain special orders. Exempts from the requirement that motor vehicles be inspected prior to retail sale transactions (i) any motor vehicle that is sold on the basis of a special order placed with a dealer or manufacturer outside the Commonwealth by a dealer who makes modifications to such vehicle prior to delivery to the first retail customer who takes delivery outside the Commonwealth and (ii) any new motor vehicle that has previously been inspected and displays a valid state inspection sticker. For a new vehicle sold on the basis of a special order by a dealer on behalf of a nonresident, the bill expands the existing exception for an order placed with a manufacturer outside the Commonwealth to also exempt an order placed with a dealer outside the Commonwealth. The bill contains a technical amendment.

HB 684 Maximum speed limits on certain highways. Increases from 55 miles per hour to 60 miles per hour the maximum speed limit on State Route 3 between the corporate limits of the Town of Warsaw and the unincorporated area of Emmerton.

HB 708 Rear-facing child restraint devices. Prohibits child restraint devices from being forward-facing until, at least, the child reaches two years of age or until the child reaches the minimum weight limit for a forward-facing child restraint device as prescribed by the manufacturer of the device. The bill expands the reasons that a physician may determine that it is impractical for a child to use a child restraint system to include the child's height. The bill has a delayed effective date of July 1, 2019.

HB 751/SB 984 Motorboats; means of propulsion; wakesurfing. Allows a motorboat that is propelled by a means that is below the water line and forward of either the transom or an integrated swim platform to be accompanied by a person in the water. Current law allows a motorboat to be accompanied by such a wakesurfer only if the motorboat is propelled by an inboard motor.

HB 800 / SB 492. Towing; fees. Increases the maximum hookup and towing fee for passenger vehicles from \$135 to \$150. The bill contains a technical amendment.

HB 810 / SB 557 School bus operators; training. Requires any school bus operator applicant who does not possess a commercial driver's license to receive (i) a minimum of 24 hours of classroom training and (ii) six hours of behind-the-wheel training on a school bus that contains no pupil passengers and requires any school bus operator applicant who possesses a commercial driver's license to receive (a) a minimum of four hours of classroom training and (b) three hours of behind-the-wheel training on a school bus that contains no pupil passengers. Current law leaves the setting of such hourly requirements to the Department of Education. The bill contains technical amendments.

HB 830 / SB 128 TNC partner vehicles, such as Uber and Lyft; interior trade dress. Provides that transportation network companies (TNC) partner vehicles may be equipped with certain removable illuminated interior trade dress devices that assist passengers in identifying and communicating with TNC partners. The bill limits the display and color of such illuminated interior trade dress devices and requires a TNC that issues such devices to file the specifications of the device with the Department of Motor Vehicles.

HB 955 Public utility service vehicles; yielding right-of-way or reducing speed. Authorizes vehicles used by any public utility company for the purpose of repairing, installing, or maintaining electric or natural gas utility equipment or service to use certain high-intensity amber warning lights. The bill provides that if such a vehicle is stationary and displaying such lights, drivers shall, if possible, make a lane change to the lane not adjacent to the vehicle or reduce speed and proceed with caution.

HB 1069 / SB 575 Vehicle registration extension for satisfaction of certain requirements. Expands eligibility for a one-month extension of a vehicle registration period to include persons whose vehicle registration has been withheld for failure to pay tolls.

HB 1323 Military surplus motor vehicles; registration and operation on highways. Authorizes the Department of Motor Vehicles to issue a registration card and license plates for military surplus motor vehicles, as defined in the bill. The bill strictly limits the uses and travel distance of military surplus motor vehicles and provides that any law-enforcement officer may require any person operating a military surplus motor vehicle to provide the address at which the vehicle is stored for use and the destination of such operation. The bill exempts military surplus motor vehicles from emissions standards.

HB 1349 / SB 601 Trespass towing. Exempts Planning District 16 (George Washington) 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 localities in Planning District 16 establish by ordinance (i) a hookup and initial towing fee of \$135; (ii) an additional fee of \$25 for towing at night, on weekends, or on a holiday; and (iii) that no fee pursuant to clause (ii) shall be charged more than twice for a tow.

HB 1354 Lighting devices on motor vehicles; covering. Provides that if certain lighting devices are unlit, have a clear lens, and have a clear reflector if the lighting device has a reflector, then a vehicle equipped with such lighting device may be operated on the highways without covering the lighting device.

HB 1413 / SB 532 Display or parking of used motor vehicles for sale; penalty. Clarifies that the prohibition on the display or parking, or permitting the display or parking, of five or more used motor vehicles within any 12-month period on real property to sell or advertise the sale of used motor vehicles applies per property and provides that a property owner or lessee in violation of such prohibition is guilty of a Class 4 misdemeanor. The bill also requires the Motor Vehicle Dealer Board to create a form to place on a vehicle that is in violation of the law. The bill contains technical amendments.

HB 1464 Auxiliary lighting on motorcycles and autocycles. Provides that motorcycles and autocycles may be equipped with red or amber standard bulb running lights or light-emitting diode (LED) pods or strips as auxiliary lighting. The bill requires such lights to (i) be directed at the ground, (ii) be designed for vehicular use, (iii) not emit a beam of light greater than 25 candlepower per bulb, (iv) not be attached to wheels, and (v) not be blinking, flashing, oscillating, or rotating. Such lighting is not subject to approval by the Superintendent of State Police.

HB 1499 Safety inspection stickers; placement on motorcycles. Provides that the owner of a motorcycle that is issued a safety inspection approval sticker shall have the discretion to place the sticker on a plate securely fastened to the motorcycle for the purpose of displaying the sticker or affix the sticker directly to the motorcycle.

HB 1525 Use of handheld personal communications devices; highway work zones. Imposes a mandatory fine of \$250 for using a handheld personal communications device for reading emails or texting while operating a motor vehicle in a highway work zone, defined in the bill, when workers are present.

SB 84 Temporary registration of fleet vehicles; penalty. Provides that the Department of Motor Vehicles may issue to fleet logistics providers, defined in the bill, a temporary registration for certain fleet vehicles. The bill requires that such temporary registration expire on receipt of permanent license plates from the Department or another jurisdiction, or 30 days from issuance, whichever occurs first.

SB 410 Steady-burning blue or red lights on law-enforcement vehicles. Permits law-enforcement vehicles to be equipped with steady-burning blue or red lights in addition to being equipped with flashing, blinking, or alternating blue, blue and red, blue and white, or red, white, and blue combination warning lights of types approved by the Superintendent of State Police.

SB 496 Off-road recreational vehicles; highway speed limit. Increases from 25 to 35 miles per hour the maximum highway speed limit wherein the governing body of any county, city, or town embraced by the Southwest Regional Recreation Authority may by ordinance authorize the operation of any off-road recreational vehicle. The bill provides that such governing body may by ordinance authorize the operation of any such vehicle for a distance of no more than five miles on any highway that has a maximum speed limit of more than 35 miles per hour.

SB 586 Exhaust system in good working order; exclusion. Excludes vehicles licensed as antique motor vehicles from the requirement that such vehicle be equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise. Current law excludes antique motor vehicles manufactured prior to 1950 from such requirements.

XXVII. Venue

HB 77 Venue in criminal cases; concurrent jurisdiction, obsolete provisions. Provides that the courts of a locality have concurrent jurisdiction with the courts of any other adjoining locality over criminal offenses committed in or upon the premises, buildings, rooms, or offices owned or occupied by such locality or any officer, agency, or department thereof that are located in the adjoining locality and repeals an existing statute that provides such concurrent jurisdiction for certain enumerated localities. The bill also deletes references to corporation courts, which

no longer exist, and repeals several obsolete provisions involving courts not of record that ceased to be applicable in 1980. This bill is a recommendation of the Virginia Code Commission.

HB 326 Child abuse and neglect; venue may lie where alleged abuse or neglect occurred. Provides that, for cases in juvenile and domestic relations district court involving an allegedly abused or neglected child, venue may lie in the city or county where the alleged abuse or neglect occurred in addition to the city or county where the child resides or where the child is present when the proceedings are commenced.

XXVIII. Victim Protections and Rights

HB 260 Virginia Critically Missing Adult Alert Program created; Ashanti Alert. Creates a program for local, regional, or statewide notification of a critically missing adult, defined as an adult whose whereabouts are unknown, who is believed to have been abducted, and whose disappearance poses a credible threat to his health and safety.

HB 482 / SB 420 Witness testimony; accompanied by certified facility dogs. Provides that in any criminal proceeding the attorney for the Commonwealth or the defendant may request and the court may enter an order authorizing the use of a certified facility dog to aid a testifying witness, provided that the use of a certified facility dog will aid the witness in providing testimony and the presence and use of the certified facility dog will not interfere with or distract from the testimony or proceedings. The bill provides that the court may make any orders necessary to preserve the fairness of the proceeding, including imposing restrictions on and instructing the jury regarding the presence of the certified facility dog. The bill defines "certified facility dog" as a dog that (i) has completed training and been certified by a program accredited by Assistance Dogs International or another organization whose main purpose is to improve training, placement, and utilization of assistance dogs and (ii) is accompanied by a duly trained handler.

HB 840 / SB 457 Confidentiality of victim telephone numbers and email addresses in criminal cases. Provides that upon request of a crime victim or a witness in a criminal prosecution of a violent felony, law enforcement, the attorney for the Commonwealth, counsel for a defendant, and the Department of Corrections are prohibited from disclosing any telephone number or email address of such victim or witness except to the extent that such disclosure is required by law, necessary for law-enforcement purposes, or permitted by the court. The bill also provides that during any criminal proceeding, upon motion of the defendant or the attorney for the Commonwealth, a judge may prohibit testimony as to any telephone number or email address of a victim or witness if the judge determines that this information is not material under the circumstances of the case. This bill is a recommendation of the Virginia State Crime Commission.

HB 1246 Identity Theft Passport; police reports submitted to the Attorney General. Any person whose name or other identification has been used without his consent or authorization by another person may file with the Attorney General a copy of a police report showing that he has reported to a law-enforcement agency that his name or other identification has been used without his consent or authorization by another person. Upon receipt by the Attorney General of a copy of the police report and upon request by such person, the Office of the Attorney General, in cooperation with the State Police, may issue an Identity Theft Passport stating that such a police report has been submitted. The Office of the Attorney General shall provide access to identity theft information to (i) criminal justice agencies and (ii) individuals who have submitted a copy of a police report pursuant to this subsection.

SB 418 Public safety answering points; deployment of text-to-9-1-1. Requires each public safety answering point (PSAP), by July 1, 2020, to be able to receive and process calls for emergency assistance sent via text message.

SB 426 Victims of domestic violence; list of local resources. Provides that upon issuance of an emergency, preliminary, or permanent protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases

XXIX. Weapons

SB 669 Involuntary mental health treatment; minors; access to firearms. Provides that a person who, while a minor 14 years of age or older, was ordered to involuntary inpatient or outpatient treatment or was subject to a temporary detention order and agreed to voluntary admission (i) is subject to the same restrictions on possessing, purchasing, or transporting a firearm as an adult who was similarly ordered to involuntary treatment or was subject to a temporary detention order and agreed to voluntary admission and (ii) may utilize the same procedure as such adult for petitioning for the restoration of such person's firearm rights. The bill also sets out procedures for the submission of any involuntary treatment order or certification of voluntary admission subsequent to a temporary detention order involving a minor 14 years of age or older to the Central Criminal Records Exchange for purposes of determining a

person's eligibility to possess, purchase, or transport a firearm that mirror the current procedures for the submission of such orders or certifications for adults. The bill contains an emergency clause.

SB 912 Retired law-enforcement officers; carrying a concealed handgun; return to work. Clarifies that a retired law-enforcement officer shall surrender his proof of consultation to carry a concealed handgun when he returns to work as a law-enforcement officer. Current law does not specify that his return to work be as a law-enforcement officer.

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