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Memo No. VCSCS 20-006

To: Chiefs and Sheriffs
CC: Virginia Center for School and Campus Safety Staff
From: Donna Michaelis
Date: May 28, 2020
Subject: **House Bill 256**

The DCJS Virginia Center for School and Campus Safety strives to keep our constituents informed about legislation that impacts law enforcement officers and schools in the Commonwealth. House Bill 256 amends §18.2-415 (Disorderly Conduct in Public Places) to exclude elementary/secondary students on school property, school buses, and school sponsored activities from being guilty of disorderly conduct. This bill was signed into law and will become effective on July 1, 2020. The details of the bill and amendment to §18.2-415 are highlighted below. Since this is not exclusive to the role of SROs, it is prudent that all members of law enforcement are aware of this amendment to Virginia Code. In many cases law enforcement, not typically assigned to schools, perform duties and services for special events and sports, or respond to calls for service at schools.

<i>Code of Virginia</i> §18.2-415	<p>HB256 (2020) - Disorderly Conduct, Students. Provides that an elementary or secondary student is not guilty of disorderly conduct in a public place if the disorderly conduct occurred on the property of an elementary or secondary school, on a school bus, or at any activity conducted or sponsored by any elementary or secondary school. This bill incorporates HB 8.</p> <p>https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB256</p> <p style="text-align:center">CHAPTER 199</p> <p><i>An Act to amend and reenact § 18.2-415 of the Code of Virginia, relating to disorderly conduct; students.</i></p> <p style="text-align:center">[H 256] Approved March 8, 2020</p> <p>Be it enacted by the General Assembly of Virginia:</p> <p>1. That § 18.2-415 of the Code of Virginia is amended and reenacted as follows:</p> <p>§ 18.2-415. Disorderly conduct in public places.</p> <p>A. A person is guilty of disorderly conduct if, with the intent to cause public</p>
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inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, he:

~~A-1.~~ In any street, highway, or public building, or while in or on a public conveyance, or *while in a public place* engages in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed; ~~or~~

~~B-2.~~ Willfully or being intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts any funeral, memorial service, or meeting of the governing body of any political subdivision of this Commonwealth or a division or agency thereof, or of any school, literary society, or place of religious worship, if the disruption (i) prevents or interferes with the orderly conduct of the funeral, memorial service, or meeting or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed; or

~~C-3.~~ Willfully or while intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts the operation of any school or any activity conducted or sponsored by any school, if the disruption (i) prevents or interferes with the orderly conduct of the operation or activity or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed.

~~However, the B. The~~ conduct prohibited under ~~subdivision subsection~~ *subsection A, B or C of this section* shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this title.

C. The person in charge of any such building, place, conveyance, meeting, operation, or activity may eject therefrom any person who violates any provision of this section, with the aid, if necessary, of any persons who may be called upon for such purpose.

D. The provisions of this section shall not apply to any elementary or secondary school student if the disorderly conduct occurred on the property of any elementary or secondary school, on a school bus as defined in § 46.2-100, or at any activity conducted or sponsored by any elementary or secondary school.

E. The governing bodies of counties, cities, and towns are authorized to adopt ordinances prohibiting and punishing the acts and conduct prohibited by this section, provided that the punishment fixed therefor shall not exceed that prescribed for a Class 1 misdemeanor. A person violating any provision of this section ~~shall be~~ is guilty of a Class 1 misdemeanor.