

Constitution

Searches, Seizures, and Warrants:

SB-158: No Bond

Sec. 19.2-120(D): Magistrates and clerks cannot put someone on bail who is charged with an offense with the rebuttable presumption against bond, unless a judge has ordered it or the Commonwealth agrees to the bond. (drugs and violence)

HB-941 & SB-133: Arson Warrant

Sec. 27-32.2: A State Police arson investigator can get an administrative warrant to investigate the cause of a fire.

HB-1298 & SB-685: Tracking Device

Sec. 19.2-56.2: Search Warrant for a Tracking Device

B. A law enforcement officer may apply for a warrant for a tracking device to be attached where probable cause to believe the offense for which the tracking device is sought has been committed, is being committed, or will be committed.

B. 2. The affidavit must describe the item to be tracked and the jurisdiction where it can be found (if known).

B. 4. The affidavit must contain the name of the county or city where there is probable cause to believe the offense for which the tracking device is sought has been committed, is being committed, or will be committed.

C. 1. The search warrant allows tracking for no more than 30 days from its issuance and allows nothing more than tracking.

C. 3. The warrant, affidavit, and return are sealed. They can be unsealed by motion of the Commonwealth or the person whose property was tracked.

C. 4. The Circuit Court can grant 30 day extensions for good cause shown.

D. 1. The tracking device must be installed within 15 days of the warrant's issuance.

D. 4. Within 10 days after the warrant has expired law enforcement must remove the tracking device. 10 day extensions can be granted.

D. 5. If unable to remove the tracking device law enforcement must disable it.

E. Within ten days of the warrant ending, a copy of the warrant shall be served on the person tracked or person whose property was tracked. 30 day extensions can be granted for good cause shown. "Good cause shall include, but not be limited to, a continuing criminal investigation, the potential for intimidation, the endangerment of an individual, or the preservation of evidence."

HB-1160: Cannot Aid in Illegal / Unconstitutional Seizure

No governmental agent of Virginia "shall knowingly aid an agency of the armed forces of the United States in the detention of any citizen pursuant to 50 U.S.C. § 1541 as provided by the National Defense Authorization Act for Fiscal Year 2012 (P.L. 112-81, § 1021) if such aid would knowingly place any state agency, political subdivision, employee of such state agency or political subdivision, or aforementioned member of the Virginia National Guard or the Virginia Defense Force in violation of the United States Constitution, the Constitution of Virginia, any provision of the Code of Virginia, any act of the General Assembly, or any regulation of the Virginia Administrative Code."

HB-17: Filing Affidavit

Sec. 19.2-54: Affidavits for warrants can now be filed by electronic record, both to the magistrate and the Clerk of Court.

HB-185: Trooper Warrant / Summons:

Sec. 19.2-340.1: State law enforcement cannot write warrants or summons on locality ordinances. All money from State written violations must go to the library fund.

Procedure

HB-1244: Bond Adult with Juvenile Charge

Sec. 16.1-247(K): When an adult is arrested for a a juvenile charge he is eligible for bond as per Sec. 19.2.

HB-278: Bonds Paid to Locality

Sec. 19.2-136: Bonds in recognizances in criminal or juvenile cases shall be payable to the county or city in which the case is prosecuted. Previously went to locality where the bond was given.

HB-849: JDR Juvenile Detention Hearing

Sec. 16.1-284.1(C1): A court may conduct mandatory 30 day hearings for detained juveniles via video and use of facsimiles.

HB-451: Counsel During Adoption

Sec. 63.2-1203(C): An indigent parent opposing an adoption shall have court appointed counsel.

HB-45: Legislative Employee Continuances

Sec. 30-5: Changed so that any party represented by a person who **becomes** a "an officer, employee or member of the General Assembly *or* employee of the Division of Legislative Services " is entitled by a right to a continuance from 30 days before the session to 30 days after and 1 day before to 1 day after reconvened or veto session. Does not have to be granted unless requested in writing at least three days before the date to be continued.

HB-77: Sentencing after Hung Jury

Sec. 19.2-295.1: Changed to specifically state that if a jury cannot agree to a sentence that another jury shall be empaneled to sentence unless the parties and judge agree to judge sentencing.

HB-387: Dishonored Check Fee

Sec.Sec. 17.1-275(A)(28) & 19.2-353.3: If a check is dishonored the Clerk's office can charged a \$50 fee.

Budget: Money from Tickets

If money from traffic citations is more than 40% of a locality's budget then half of the money above 40% goes to Richmond.

HB-630: Forfeits

Sec. 18.2-515(B): Allows interest and profits derived from investment of money obtained thru illegal racketeering to be forfeited.

HB-1033 & SB-445: Circuit Court Protective Order

Sec. 17.1-513: The Circuit Court can amend, modify, or dissolve a protective order it has issued unless it referred the order back to the JDR Court.

Sec.Sec. 16.1-279.1 & 19.2-152.10: When a Circuit Court enters a protective order the information must be entered into VCIN that day.

SB-116: Payment of Court Costs

19.2-354(A): A convicted defendant has 30 days to pay court costs (previously 15)

HB-971: Bar from Nursing

Conviction of a felony violation of a protective order (Sec. 16.1-253.2 & Sec. 18.2-60.4), abduction for forced labor (Sec. 18.2-47(B)), or extortion (Sec. 18.2-59) bars a person from working at a nursing home (§ 32.1-126.01(A)), a licensed home care organization, any home care organization exempt from licensure, any licensed hospice (§ 32.1-162.9:1(A)), for the Department of Behavioral Health and Developmental Services (§ 37.2-314(B)), or at a children's residential facility (§ 37.2-408.1(A)).

Evidence

HB-101 & SB-94: New Rules of Evidence

Sec. 8.01-3: (1) Amendments to the Rules of Evidence adopted by the Supreme Court before 15 November shall become effective 01 July the next year, unless the General Assembly intervenes to change or annul the rule. (2) The Supreme Court can modify the rules at any time in order to make them compliant with a statute passed by the General Assembly or to correct plain error. (3) Prior law requiring enactment by the General Assembly is repealed.

HB-424: Minor's School Records

Sec. 8.01-390.1: Allows a minor's school records, which are authenticated true and accurate by their custodian, to be admitted generally. Previously, only certain specific records had been admissible and only during parental rights termination hearings.

Substantive

Violent Crimes

HB-770: Protective Order Against Officer

Sec. 19.2-152.8(K): No emergency protective order can be issued against a law enforcement officer for doing his job.

HB-752 & SB-459: Strangulation

§ 18.2-51.6. Strangulation of another; penalty.

Any person who, without consent, impedes the blood circulation or respiration of another person by knowingly, intentionally, and unlawfully applying pressure to the neck of such person resulting in the wounding or bodily injury of such person is guilty of strangulation, a Class 6 felony.

HB-3: Report Child Abuse

Sec. 63.2-1509: The following are added to those who must report suspected abuse (or fine up \$500 first time, \$100-\$1,000 second)

16. Any athletic coach, director or other person 18 years of age or older employed by or volunteering with a private sports organization or team; and

17. Administrators or employees 18 years of age or older of public or private day camps, youth centers and youth recreation programs.

HB-74: Report Child Abuse

Sec. 63.2-1509(D): report of suspected abuse or neglect must be made as soon as possible but not later than 24 hours.

HB-970: Report Child Abuse

Sec. 63.2-1509: A person employed by an institute of higher education must report suspected child abuse or neglect except for legal counsel who gained the information thru legal representation.

HB-1237: Sec. 63.2-1509: Report Child Abuse

A. 11. “Any person, **18 years of age or older**, associated with or employed by any **public or** private organization responsible for the care, custody or control of children” shall report suspected child abuse or neglect within 24 hours.

D. When there is evidence of rape, sodomy, or object sexual penetration, failure to report the child abuse or neglect is a class 1 misdemeanor.

HB-507 & SB-448: Report Prenatal Child Abuse

Sec. 63.2-1509(B): If there is a diagnoses within 6 weeks of the birth of a child that the child has been harmed by the mother’s use of alcohol or drugs a health care provider must report it. (civil penalties)

Sec. 16.1-241.3: Removes the 21 day limitation to the filing of a petition alleging child abuse or neglect based upon Sec. 63.2-1509, and allows the court to enter orders to protect the child.

SB-300: Protective Orders

NEW STATUTE

Sec. 19.2-152.11. Venue for protective orders.

Proceedings in which a protective order is sought pursuant to this chapter shall be commenced where (i) either party has his principal residence; (ii) the act of violence, force, or threat by the respondent against the petitioner occurred; or (iii) a protective order was issued if, at the time the proceeding is commenced, the order is in effect to protect the petitioner or a family or household member of the petitioner.

Sec. 16.1-253.2: Anyone violating a protective order “when such violation involves a provision of the protective order that prohibits such person from (i) going or remaining upon land, buildings, or premises; (ii) further acts of family abuse; or (iii) **committing a criminal offense**, or which prohibits contacts between by the respondent with the

allegedly abused person or family or household members of the allegedly abused person as the court deems appropriate, is guilty of a Class 1 misdemeanor.

Sex Crimes

HB-973 & SB-436: Punishment Sex with Under 13

Sec.Sec. [18.2-61\(B\)\(2\)](#), [18.2-67.1\(B\)\(2\)](#), and [18.2-67.2\(B\)\(2\)](#): When someone 18 years or older has sex, sodomy, or object penetration with a victim under 13 years of age he is subject to a mandatory minimum life sentence.

HB-964: Showing a Minor Porn

[18.2-374.4](#). Display of child pornography or grooming video or materials to a child unlawful; penalty.

A. Any person 18 years of age or older who displays child pornography or a grooming video or materials to a child under 13 years of age with the intent to entice, solicit, or encourage the child to engage in the fondling of the sexual or genital parts of another or the fondling of his sexual or genital parts by another, sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, or object sexual penetration is guilty of a Class 6 felony.

B. "Grooming video or materials" means a cartoon, animation, image, or series of images depicting a child engaged in the fondling of the sexual or genital parts of another or the fondling of his sexual or genital parts by another, masturbation, sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, or object sexual penetration.

HB-963: Child Porn

Sec. 18.2-374.1:1(C): Anyone who "**commands, entreats, or otherwise attempts to persuade another person to send, submit, transfer or provide to him any child pornography in order to gain entry into a group, association, or assembly of persons engaged in trading or sharing child pornography**" is guilty of possession of child pornography.

HB-1178: CDL

Sec.Sec. 46.2-341.9 & 46.2-341.18.3: A person required to register as a sex offender shall have on his class P CDL that he is restricted from driving minors to or from school or child day care activities.

HB-753: Putting a Juvenile on the Registry

Sec. 9.1-902(G): (1) An attorney for the Commonwealth can file a motion to have a juvenile declared delinquent for an offense which would go on the sex offender registry required to register **at any time during which the offender is within the jurisdiction of the court for the offense that is the basis for such motion.** (2) The minor shall be appointed counsel by the court.

Drug Crimes

HB-968 & SB-159: Distribution of I or II

Sec. 18.2-248(C): A second or subsequent violation of Sec. 18.2-248 in regards to a schedule I or II drug shall carry a mandatory minimum punishment of 3 years.

HB-508 and SB-273: Synthetic Marijuana

Sec. 18.2-248.1:1(A): “For the purposes of this title, synthetic cannabinoids means any substance that contains one or more **cannabimimetic agents or that contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation**, and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of one or more **cannabimimetic agents.**”

Under subsection (A)(1) cannabimimetic agent is defined by being part of a certain class of chemicals and under subsection (A)(2) specific chemical strings are defined.

HB-1140: New Schedule IV

Sec. 54.1-3452(1): Carisoprodol (a muscle relaxant) is added to Schedule IV controlled substances.

HB-1141: New Schedule V

Sec. 54.1-3454(3): Ezogabine (an anticonvulsant) is added to the list of Schedule V controlled substances.

HB-1161 & SB-294: Methamphetamine Precursors

Creates Sec. Sec. 18.2-265.6 thru 18.2-265.10:

“Ephedrine or related compounds” (methamphetamine precursor) must be sold from behind the counter after seeing a government issued photo ID, logging the buyer’s information, and having the buyer sign a record acknowledging amount limitations.

No one may buy more than more than 3.6 grams per day or 9 grams in 30 days.

Provides for the creation of a Virginia database which will be linked nationally to provide instant information as to whether the sale can be made or the buyer has purchased more than the allotted amount.

Noncompliance is a class1 misdemeanor.

HB-718: Minors Tried as Adults

Sec. 16.1-269.1(C): Upon 7 days prior notice, a Commonwealth Attorney can require the JDR court to have a preliminary hearing (not a transfer hearing) for the following added offenses if the juvenile has been adjudicated delinquent twice for the same offense since turning 14: Sec. 18.2-248 (distribution of drugs); Sec. 18.2-248.03 (distribution of methamphetamine); Sec. 18.2-248.5 (distribution of anabolic steroids).

HB-848 & SB-148: Methamphetamine Cleanup

Sec. 15.2-1716.2: IF THE LOCALITY HAS ADOPTED AN ORDINANCE, a person convicted of manufacture of methamphetamine shall pay for cleanup. The liability can be either imposed at sentencing or thru a separate civil hearing.

HB-1037: Methamphetamine Cleanup

Sec. 18.2-248(C1): “If the property that is damaged, destroyed, or otherwise rendered unusable as a result of such methamphetamine production is property owned in whole or in part by the person convicted, the court shall order the person to pay to the Methamphetamine Cleanup Fund authorized in § [18.2-248.04](#) the reasonable estimated or actual expenses associated with cleanup, removal, or repair of the affected property or, if actual or estimated expenses cannot be determined, the sum of \$10,000.”

HB-347 & SB-321: Drug Monitoring Program

Sec. 54.1-2523(B)(4): A recipient's records of drug receipt can be turned over to a federal agent investigating drug diversion.

Sec. 54.1-2523.1: The director of the prescription drug monitoring program may turn over records to an agent from the State Police to investigate possible drug diversion.

HB-1091 & SB-406: Law Enforcement Agent and Alcohol

Sec. 4.1-305(A)(iii): A law enforcement officer's agent who would not be allowed in the normal course of the law to possess alcohol can possess alcohol when necessary to perform his duties.

HB-471 & SB-398: Advertising Alcohol

Sec. 4.1-320(D): Anyone who (1) has a sign advertising alcohol within 500 feet of a place of worship, school, recreational area, or dwelling (See Sec. 4.1-112.2 for specifics) and (2) does not fix it within 30 days of notification (3) has committed a class 4 misdemeanor.

HB-896: Sunday Liquor Sales

Sec. 4.1-120: With approval of the Alcohol Beverage Control Board, all government package stores can be open starting at 1 p.m. on Sundays.

HB-479 & SB-347: Sale of Cigarettes Outside Legal Supply Chain

NEW STATUTE

§ 58.1-1017.1. Possession with intent to distribute tax-paid, contraband cigarettes; penalty.

Any person other than an authorized holder who possesses, with intent to distribute, more than 5,000 (25 cartons) tax-paid cigarettes is guilty of a Class 2 misdemeanor for a first offense and is guilty of a Class 1 misdemeanor for any second or subsequent offense. Additionally, any person who violates the provisions of this section shall be assessed a civil penalty of (i) \$2.50 per pack, but no more than \$5,000, for a first offense; (ii) \$5 per pack, but no more than \$10,000, for a second such offense committed within a 36-month period; and (iii) \$10 per pack, but no more than \$50,000, for a third or subsequent such offense committed within a 36-month period. The civil penalties shall be assessed and collected by the Department as other taxes are collected.

Theft / Property Crimes

HB-1020: Precious Metal

Sec. 54.1-4104: Precious metal and stones must be held for 15 days after the dealer has notified the chief law enforcement officer of the locality of their purchase. (previously was 10 days)

HB-927: Copper Wire

Sec. 59.1-136.1: Makes **any telecommunications cable that is one-half of one inch or greater in diameter and that contains 50 or more individual strands of solid, insulated, color-coded copper wire, including such telecommunication cable that has been unsheathed or burned** a proprietary article. (Means that purchaser must get seller's information and either see seller's authorization to sell or hold for 15 days per Sec. 59.1-136.3; failure to do so is up to a \$7,500 civil fine and class 1 misdemeanor Sec. 59.1-136.6)

Weapons Crimes

HB-26: Concealed Firearm

Sec. 18.2-308(A): It is an affirmative defense that the defendant had a concealed firearm permit.

Sec. 18.2-308(H): "Failure to display the permit and a photo identification upon demand by a law-enforcement officer shall be punishable by a \$25 civil penalty, which shall be paid into the state treasury. Any attorney for the Commonwealth of the county or city in which the alleged violation occurred may bring an action to recover the civil penalty. A court may waive such penalty upon presentation to the court of a valid permit and a government-issued photo identification. Any law-enforcement officer may issue a summons for the civil violation of failure to display the concealed handgun permit and photo identification upon demand."

HB - 288: Firearm in Courthouse

Sec. 18.2-283.1: A city or county treasurer can carry a firearm into the courthouse.

HB-754 & SB-67: Concealed Weapon Permit

Sec. 18.2-308(D): Removed the ability of localities to require that someone applying for a concealed weapons permit have his fingerprints taken and checked.

HB-940: Buying Firearm

Sec. 18.2-308.2:2: Removes the limitation on buying more than 1 firearm in a 30 day period.

Motor Vehicles

HB-279 & SB-378: DUI - Ignition Interlock

Sec. 18.2-270.1: In order to get a restricted license, a 1st offender DUI must have an ignition interlock installed. In order to get a license restored after a DUI maiming (Sec. 18.2-51.4) or a second DUI the offender must have an ignition interlock installed.

HB-187: Check Points

Sec. 46.2-103: Law enforcement is not authorized to set up check points just for motorcycles.

HB-97: Motorcycles in Lane

Sec. 46.2-857: Two two wheeled vehicles can travel side by side in a lane meant for one four wheeled vehicle.

HB-800: Unpaved Roads

Sec. 46.2-873.1: IF THE LOCALITY HAS ADOPTED AN ORDINANCE, the speed limit on non-paved roads is 35 mph.

HB-1042: Driver's License : Overseas U.S. Employee

Sec. 46.2-221.1: Drivers licenses for members of military and civilian U.S. employees serving outside the Commonwealth, and their spouses, do not expire until 180 days after they return. (previously 90 days)

HB-1043: Vehicle Registration : Overseas U.S. Employee

Sec. 46.2-221.4: Military and **civilian** employees of the United States who are outside the country have until 90 days after they return to the US to reregister their vehicle.

HB-861: Vehicles & Trailers

Sec. 46.2-1216: IF THERE IS AN ORDINANCE, the county may have towed or booted, in addition to motor vehicles, vehicles and trailers.

SB-603: Suspend License

Sec. 46.2-320.2: A person's license can be suspended for failing to pay the costs of his incarceration.

HB-72: Traffic Construction Signs

Sec. 46.2-878.1: Warning signs for highway construction must have flashing lights attached.

HB-537: Safety Patrol

Sec. 46.2-920.1(B): A safety service patrol program vehicle at the scene of an accident may pass vehicles by going off the paved road to the right or left.

Other

HB-546: Criminal Street Gang

Sec. 18.2-46.1: Adds to the predicate criminal acts used to determine a criminal street gang (1) convincing or compelling someone to enter a bawdy place, (2) forces a person to be married or defiled, (3) as a parent or guardian consents to someone being taken for unlawful sexual discourse, or (4) takes money from a prostitute without consideration. Sec. Sec. 18.2-355 & 357.

HB-87: Pointing a Laser

Sec. 5.1-22: "Any person who knowingly and intentionally projects a point of light from a laser, laser gun sight, or any other device that simulates a laser at an aircraft is guilty of a Class 1 misdemeanor."

SB-657: Unticketed Train Ride

18.2-160.1(C): Changes punishment for riding a trains without a valid ticket to a Class 2 misdemeanor with a fine of not less than \$500 "for a first violation and with a fine of not less than \$750 for a second or subsequent conviction when the second or subsequent conviction occurs more than 24 hours after but within 365 days of a prior violation."

HB-337: Professional Licenses

Sec. 54.1-102: Unlawful procurement of professional licenses (Class 2 misdemeanor)

Sec. 54.1-102(A)(1): Broadens scope to all activities in gaining or assisting to gain a license fraudulently by removing language that limited it to help during the test.

Sec. 54.1-102(A)(4): Makes it illegal to give out the questions or answers to the test.

HB-289 & SB-537: Voting

Sec. 24.2-604(D): It is a class 1 misdemeanor for an observer at at voting location to be in a position to see the marked ballot of a voter.

HB-537 & SB-305: Dangerous Dog

Sec. 3.2-6540(E): Increases the amount of time to obtain a dangerous dog registration certificate to 45 days (previously 10) from the declaration that the dog is dangerous and increases the fee to \$150 (from \$50). Imposes a yearly reregistration fee of \$85 due before 31 January. (failure to comply remains a class 1 misdemeanor)

HB-39: Annoying Phone / Beeper

Sec. 18.2-429: A second conviction of causing a phone or beeper to ring with intent to annoy is now a class 2 misdemeanor (first is a class 3 misdemeanor).

HB-1119: Motorboat Near People

Sec. 29.1-744.3: A motorboat cannot go beyond its minimum maneuvering speed within 50 feet of a person unless (a) the motorboat has an inboard motor and (b) it is towing the person or the person "is accompanying the motorboat."

HB-196: Fish Net

Sec. 28.2-305: It is a class 3 misdemeanor if a haul seine attached to the shore and drawn in without a boat does not have 400 feet of net meshing with a gap of 2.5 inches.

HB-95 & SB-147: Bear Hound Training Season

Sec. 29.1-520: During bear hound training season, bears can be hunted without capture or taking from 4 a.m. to 10 p.m.

HB-855: Coyotes & Feral Swine

Sec. 29.1-100: Coyotes and feral swine are now nuisance species (permanent open season).

HB-990: Elk

Sec. 29.1-100: Elks are now defined as game animals

Sec. 29.1-529: Authorizes the use of approved nonlethal control methods to stop elk that are damaging commercial agricultural product (statute specifically allows lethal force for deer and bear, but not elk)