

New Laws 2013

Procedure

CASES

Salinas V. Texas, JUN13, USSC No. 12-246: If a defendant was questioned while not in custody and refused to answer potentially incriminating questions the refusal can be used in evidence against him at trial.

Alleyne v. U.S., JUN13, USSC No. 11-9335: Factors which lead to increases in the minimum punishment must be found by the jury and therefore must be alleged in the charging document.

Maryland v. King, JUN13, USSC No. 12-207: When police arrest someone they can constitutionally take a DNA sample.

APPEAL OF CONTEMPT

SB870 – 18.2-459 – An appeal of a contempt finding from GDC shall be a bench trial.

MAGISTRATE SUPERVISION

HB 37.2-809(J) – Changes supervision of the magistrates for TDO from Chief judge of the GDC to the Executive Secretary of the Supreme Court of Virginia.

CERTIFICATION OF COURT DOCUMENTS

HB1658 - 8.01-389(D) & (E) - "Copy teste", "true copy", "certified copy", or similar terms with the signature of a clerk is prima facie evidence that the document is certified and therefore authenticated for admission into court.

HB2338 – 19.2-324.1 – If evidence is erroneously admitted the appellate court will do a totality of the evidence / harmless error analysis.

DELINQUENCY AT SCHOOL

HB1864 - 22.1-279.3:1(D) - Although a school principal is required to report to law enforcement felony & sexual batteries, conduct involving drugs & alcohol, any threats against school personnel, illegally carrying a firearm on school property, any illegal activity involving explosives, and bomb threats, **delinquency charges are not required to be filed and schools can deal with the situation through school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.**

UNMANNED DRONES

HB2012 / SB1331 – Virginia law enforcement is forbidden to use unmanned drones before 01 July 2015 except in amber alerts, senior alerts, blue alerts, for search and rescue operations, or training exercises for these.

STAY OF BOND CHANGE

HB1311 -

19.2-124(C) - If a court grants or denies bail, it can grant a stay of execution for an expedited appeal unless the defendant is already released on bond.

19.2-132 - If a court increases or revokes a bond, it can grant a stay of execution for an expedited appeal.

BOND, PICTURES, & FINGERPRINTS

SB-847 – 19.2-123(A)(3c) – When a person is arrested a judicial officer can require him to submit to having a photograph and fingerprints taken as condition of bond.

19.2-390 – Fingerprints and photographs can be taken at whatever facility where the magistrate is located, even if the person is not committed to jail.

ESCORTING PRISONERS OUT OF STATE FOR MEDICAL TREATMENT

SB818 – 53.1-133.10 – Compact for medical treatment of prisoners - Each party state agrees to extend all necessary authority to law-enforcement or corrections officers from a sending state while such officers have in their custody a prisoner for the purpose of escorting the prisoner to and from a medical, dental, or psychiatric facility located in the receiving state.

JAILER EXECUTING PAPERS

HB1763 - 19.2-72 & 19.2-76 - A jail officer can execute a warrant, summons, or capias from anywhere in the Commonwealth.

MANDATORY MINIMUMS

HB2269 – The following mandatory minimums cannot run concurrently with any other offenses

16.1–253.2 – Violate Protective Order

18.2-60.4 – Violate Protective Order

18.2-61 – Rape

18.2-67.1 – Forcible Sodomy
18.2-67.2 – Object Sexual Penetration
18.2-46.3:3 – Gang Activities
18.2-154 Shooting at a Vehicle
18.2-308.2:2 – Purchase Firearm for Ineligible Person
18.2-374.1 – Producing Child Pornography

VIOLENT OFFENSES

HB1746 / SB1214 - 17.1-805(C) - New violent offenses for sentencing guidelines.
Any felony violation of § 16.1-253.2 (violate protective order)
18.2-32.2 (killing a fetus)
any violation of clause (c) (i) or (ii) of subsection B of § 18.2-46.3 (threat or use of force violence against person/family for gang purposes)
18.2-51.6 (strangulation)
any violation of subsection B of § 18.2-57 (A&B based on race/religion/ethnicity)
felony violation of 18.2-60.4 (violate protective order)
any violation of subsection A of § 18.2-67.4:1 (having sex with intent to transmit HIV, syphilis, or hepatitis B)
18.2-85 (making or using a fake or real fire bomb)
any felony violation of subsection A or B of § 18.2-280
any felony violation of § 18.2-282.1 (discharging firearm in public place - used to include misdemeanors)
18.2-287.2 (committing armed felony wearing body armor)
18.2-374.4 (displaying grooming materials to a minor)
18.2-423 (burning cross with intent to intimidate)
18.2-423.01 (burning object with intent to intimidate)
18.2-423.1 (placing swastika with intent to intimidate)
18.2-423.2 (displaying noose with intent to intimidate)
18.2-481 (treason against the Commonwealth)
any violation of § 37.2-917 (escape when committed)
any violation of § 52-48 (disseminating information gathered at the Virginia Fusion Intelligence Center)

MULTIJURISDICTIONAL GRAND JURY

SB938 – 19.2-215.1 – Investigatable by Multijurisdictional Grand Jury.

(1)

u. Article 2 (§ [18.2-38](#) et seq. - Mob Offenses) of Chapter 4 of Title 18.2;

v. Malicious felonious assault and malicious bodily wounding under Article 4 (§ [18.2-51](#) et seq.) of Chapter 4 of Title 18.2;

w. Article 5 (§ [18.2-58](#) et seq. - STRANGULATION) of Chapter 4 of Title 18.2;

x. Felonious sexual assault under Article 7 (§ [18.2-61](#) et seq.) of Chapter 4 of Title

18.2;

y. Arson in violation of § [18.2-77](#) when the structure burned was occupied or a Class 3 felony violation of § [18.2-79](#);

z. Chapter 13 (§ [18.2-512](#) et seq. - RICO) of Title 18.2

(2) requires oral testimony in a multijurisdictional Grand Jury to have been recorded in order to report the results to prosecutors.

HB1870 - 19.2-215.1(1)(u) - A multijurisdictional grand jury can investigate forcing people into prostitution or pornography for money (18.2-356).

HB2248 – 19.2-215.1(1)(u) – A multijurisdictional Grand Jury can investigate money laundering.

Violence

A&B

SB853 – 18.2-57(C) – It is a class 6 felony to assault or batter a magistrate.

HB1850 - 18.2-57(C) - Class 6 felony to A&B an employee of a local or regional correctional facility directly involved in the care, treatment, or supervision of inmates in the custody of the facility.

ABDUCTION

HB1826 - 15.2-1724 - When necessary to enforce anti-abduction laws a law enforcement officer may lawfully go or be sent beyond the borders of their locality within or without the Commonwealth to assist in an emergency.

STALKING

HB2211 – 18.2-60.3(B) - “Any person who is convicted of a second offense of [stalking] occurring within five years of a prior conviction of such an offense when the person was also convicted within the five-year period prior to the instant offense of a violation of (i) § 18.2-51, [18.2-51.2](#), [18.2-51.6](#), [18.2-52](#), or [18.2-57](#) and the victim of that crime was the same person who is the victim of the stalking activity in the instant conviction, (ii) § [18.2-57.2](#), or (iii) a protective order, is guilty of a Class 6 felony.”

PROTECTIVE ORDER

HB1643 - 16.1-106 - A protective order remains in place during appeal unless the court appealed to overrides it (previously only covered JDR protective orders - expanded to cover adults).

Sex

COHABITATION

SB969 – Repealed 18.2-345, which made it illegal for non-married people to cohabit (class 3 misdemeanor 1st offense, class 1 subsequent offenses).

UNDERAGE

HB1606 - 18.2-346 - Any person who solicits prostitution from a minor (i) 16 years of age or older is guilty of a Class 6 felony or (ii) younger than 16 years of age is guilty of a Class 5 felony (as opposed to usual class 1 misdemeanor).

HB1745 - 18.2-370(A)(3) - It is illegal to propose that a minor under 15 years of age fondle his or her own sexual or genital parts (class 5 felony).

18.2-374.3(C)(2) - It is illegal to use a communications system to propose that a minor under 15 years of age fondle his or her own sexual or genital parts (at least class 5 felony).

BAIL BONDSMAN

HB2294 – 18.2-64.2 – A bail bondsman who has carnal knowledge of a person on bond is guilty of a class 1 misdemeanor.

OLDER CRIMES ADDED TO REGISTER

HB1862 – 9.1-902 – Crimes added to Requirement to Register

former § [18.1-88](#) with the intent to commit rape;

a felony violation of former § [18.1-191](#)

former § [18.1-21](#) where the victim is (a) under 15 years of age or (b) at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section

former § [18.1-38](#) with the intent to defile or, for the purpose of concubinage or prostitution,

a felony violation of subdivision (2) or (3) of former § [18.1-39](#) that involves assisting or

aiding in such an abduction,

former § [18.1-44](#) when such act is accomplished against the complaining witness's will, by force, or through the use of the complaining witness's mental incapacity or physical helplessness, or if the victim is under 13 years of age

former § [18.1-215](#) when the complaining witness is under 13 years of age

subdivision (1), (2), or (4) of former § [18.1-213](#),

former § [18.1-214](#)

Theft

RENTAL THEFT

SB1144 - 18.2-118 - Changes time after which leased property is deemed stolen to 30 days after expiration of the lease (from 10 days).

ID THEFT

HB1684 - 18.2-186.3(D) - Stealing the ID of 5 people is a class 5 felony (up from 6). Stealing 50 people's ID's is a class 4 felony (up from 5). If the false ID resulted in the arrest of the person whose information was used it is a class 5 felony (up from 6).

SCRAP METAL

HB1481 -

59.1-136.3(C) - Scrap metal purchaser shall take a picture or video of proprietary items bought from a non-authorized scrap dealer that shall identify the item bought. The pictures shall be kept for thirty days and made available to law enforcement.

59.1-136.1 -

Added to "Proprietary Items": (vii) any manhole cover; (viii) any bronze or copper cemetery plaque, urn, or marker; (ix) aluminum bleacher seats or guardrails; or (x) any mining cable that is one-half inch or greater in diameter and is composed

of one or more stranded copper conductors and stamped, engraved, stenciled, or otherwise marked with "Mine Safety and Health Administration" or "MSHA."

"Scrap metal purchaser" means any person or business, other than an authorized scrap seller or a broker buying or selling processed scrap metal, who purchases scrap metal either directly or through an authorized agent in excess of \$20,000 during any 12-month period.

PAWN / PRECIOUS METAL

HB1649 -

54.1-4009(A)(7) & (8) - A pawn broker must keep "a digital image" of a government issued ID with a picture of the pawner/seller.

54.1-4009(D) - A pawned/sold item cannot be resold if the serial number has been removed, defaced, or altered.

54.1-4010(A) - The daily report of the pawn broker must include the picture or digital image of the pawner/seller.

54.1-4101(A)(4) - A buyer of precious metals or gems must keep "a digital image" of a government issued ID with a picture of the seller.

Weapons

ILLEGAL PURCHASE

SB1378 – 18.2-308.2:2 – (M) Buying a firearm for ineligible person is a class 4 felony with mandatory minimum year (changed from class 5).

...

Does not apply if purchasing for minor whom purchaser is parent, grandparent, or guardian.

(N) The ineligible person getting someone to buy a firearm for them is guilty of a class 4 felony (changed from class 5), with a mandatory minimum 5 years.

(O) Mandatory minimums under this section must run consecutively with any other sentences.

ALLOWED

HB1582 -

18.2-308.1 - A private security officer hired by a private or religious school can be armed if he is licensed and authorized by the school. Exception to no guns on school property class 6 felony.

63.2-1734(B) - No regulation can be adopted forbidding a child day care from hiring armed security guards.

HB1604 - 9.1-141(A) - No regulation adopted by the Board shall prevent any person employed by an electronic security business, other than an alarm respondent, or as a locksmith from carrying a firearm in the course of his duties when such person carries with him a valid concealed handgun permit issued in accordance with § 18.2-308.

HB1679 - 18.2-308(B)(7) - A retired investigator of the security division of the State Lottery Department does not need a concealed carry permit.

RECODIFIED CONCEALED CARRY LAWS

HB1833 – Rewriting of Concealed Handgun Statutes

18.2-307.1 – Definitions

18.2-308 – ILLEGALLY CARRYING CONCEALED WEAPONS and Exceptions

18.2-308.01 – Carrying a Concealed Handgun with Permit

- 18.2-308.02 – Application for Concealed Handgun Permit
- 18.2-308.03 – Fees for Concealed Handgun Permits
- 18.2-308.04 – Processing Application
- 18.2-308.05 – Issuance of De Facto Permit
- 18.2-308.06 – Issuance of Nonresident Concealed Carry Permit
- 18.2-308.07 – Information Entered into VCIN
- 18.2-308.08 – Denial of Permit and Appeal
- 18.2-308.09 – Disqualifications for a Concealed Handgun Permit
- 18.2-308.010 – Renewal of Concealed Handgun Permit
- 18.2-308.011 – Replacement Permits
- 18.2-308.012 – CRIMINAL ACTS While Possessing a Concealed Firearm
- 18.2-308.013 – Revocation of Permits
- 18.2-308.013 – Reciprocity
- 18.2-308.015 – Supreme Court Website on Application

Drugs

METH

HB1806 - 18.2-248(J) - Adds ammonium nitrate to ingredients forbidden to possess with intention to manufacture methamphetamine, methcathinone, or amphetamine. (class 6 felonies)

HB1816 - 18.2-248.02 - Allowing any minor under 15, a minor from 15 - 18 under a custodial relationship, or or mentally handicapped or physically helpless person during manufacture or attempted manufacture carries a penalty of 10 - 40 years.

NEWLY PROSCRIBED

HB1941 / SB1083 – 18.2-248.1:1 – Changes in the Synthetic Marijuana Statute

(A)(1)

b. ~~3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane~~ **1H-indol-3-yl-(1-naphthyl)methane** with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent

...

- f. 3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any extent;
- g. 3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent;
- h. N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent; or
- i. N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent.

(A)(2)

...

1-pentyl-3-(1-naphthoyl)indole (other name: **names**: JWH-018, **AM-678**);

...

Pravadoline (~~4-methoxyphenyl~~)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (**4-methoxyphenyl**)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098);

1-pentyl-3-(4-methoxybenzoyl)indole (other name: **names**: RCS-4, **SR-19**);

1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other name: **names**: RCS-8, **SR-18**);

1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);

1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: XLR-11);

N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);

N-adamantyl-1-pentylindazole-3-carboxamide (other name: AKB48).

54.1-3446 – Additions to Schedule I Drugs

(3)

2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);

2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);

2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);

2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);

2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);

2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);

2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);

(2-aminopropyl)benzofuran (other name: APB);
(2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);
4-chloro-2,5-dimethoxy-N-[2-methoxyphenyl]methyl]-benzeneethanamine (other names: 2C-C-NBOMe, 25C-NBOMe);
4-bromo-2,5-dimethoxy-N-[2-methoxyphenyl]methyl]-benzeneethanamine (other names: 2C-B-NBOMe, 25B-NBOMe).

HB2136 – 54.1-3450(6) – New Schedule III Drugs

Methasterone (2 α ,17 α -dimethyl-5 α -androstano-17 β -ol-3-one);

Prostanozolol (17 β -hydroxy-5 α -androstano[3,2-c]pyrazole)

Vehicles

DUI

HB1559 - 18.2-270(C)(2) - Any person previously convicted of a felony DUI offense who is convicted of DUI will be guilty of a class 6 felony.

SB1272 - 18.2-270 (C)(2) - After the first felony DUI conviction all subsequent DUI convictions are class 6 felonies with mandatory minimum year in prison and \$1,000.

TEXTING

HB1907 / SB1222 – 46.2-868(C) – Anyone convicted of reckless driving while using a handheld personal communication device (per 46.2-1078.1) shall pay a mandatory minimum fine of \$250.

46.2-1078.1(C) – This subsection of the statute, which made driving while operating a handheld personal communication device a secondary offense, IS REMOVED.

A first violation of this statute carries a \$125 fine (up from \$20), A subsequent offense carries a \$250 fine (up from \$50).

MOPED / THREE WHEEL MOTORCYCLE

SB1038 – Changed word scooter to foot-scooter in multiple statutes, but defined them to mean the same thing.

46.2-100 - "Moped" means every vehicle that travels on not more than three wheels in contact with the ground that has (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground and; (ii) has a gasoline, electric, or hybrid motor that (a) displaces less than 50 cubic centimeters or less **or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles per hour.** For purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of 35 miles per hour.

46.2-328(C) – A motorcycle endorsement on a license shall indicate “as

applicable” whether the license is further restricted to 2 or 3 wheeled vehicles.

46.2-337 – The road test for 2 or 3 wheeled vehicles shall be different.

46.2-600 – A moped is a motor vehicle and must have a registration and title.

46.2-613 – On 01 July 2014, mopeds will have to have registration, title, and plates.

46.2-662 – A person bringing moped licensed and registered in another state to Virginia has 30 days to change to Virginia license and registration.

46.2-711 – (A) DMV shall issue plate for mopeds.
(D) DMV shall issue plates for slow speed vehicles.

46.2-715 – Moped license plates will only be attached to the rear of the moped.

46.2-908.3 – As of 01 October 2013 all slow speed vehicles must have a license plate.

46.2-914 – A moped driver must have a government issued photographic ID on him.

46.2-915 – A dealer selling a moped without a permanent sticker showing “engine displacement or wattage” is guilty of a class 1 misdemeanor.

46.2-915.2 - Every person operating the Superintendent or have his moped equipped with safety glass or a windshield at all times while operating such vehicle, and operators and passengers thereon, if any, shall wear protective helmets of a type approved by the Superintendent (max \$50 fine). (changed from enabling statute to Commonwealth wide statute)

MINOR DRIVING

SB1165 - 46.2-334.01(B) - A driver under 18 years of age, for the first year of driving, cannot have more than one passenger under the age of 21 (up from 18). After a year she can have three passengers under 21 when driving to a school activity, a licensed 21+ is in the front passenger seat, or if there is an emergency.

LINES & LIGHTS

HB2106 / SB1200 – 46.2-804

6. Wherever a highway is marked with double traffic lines consisting of two immediately adjacent solid **yellow** lines, no vehicle shall be driven to the left of such lines, except when turning left;

7. Whenever a highway is marked with double traffic lines consisting of two immediately adjacent solid white lines, no vehicle shall cross such lines;

8. For the purposes of this section, "traffic lines" shall include any temporary traffic control devices used to emulate the lines and markings in subdivisions 6 and 7.

46.2-305(B) - Vehicular traffic shall not enter or travel in a lane over which a one-way or two-way left turn white arrow lane-use control signal is shown, except to make the turning movement indicated by the signal. Such turning traffic shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic using the intersection.

46.2-832 – Interfering with the effective operation of a traffic control device is a class 1 misdemeanor.

46.2-833 – Traffic Lights

Flashing **circular** red: stop before entering an intersection.

Flashing red arrow: stop before going in direction of the arrow.

Flashing **circular** amber: proceed using reasonable care, yielding right of way.

Flashing amber arrow: proceed in direction of arrow using reasonable care, yielding right of way.

46.2-834(D) - Whenever an authorized flagger assumes control of vehicular traffic into or through a temporary traffic control zone using hand-signaling devices or an automated flagger assistance device, all drivers of vehicles shall obey his signals.

SHARED USE PATH

HB2217 – 46.2-924 – D. Where a shared-use path crosses a highway at a clearly marked crosswalk and there are no traffic control signals at such

crossing, the local governing body may by ordinance require pedestrians, cyclists, and any other users of such shared-used path to come to a complete stop prior to entering such crosswalk. Such local ordinance may provide for a fine not to exceed \$100 for violations. Any locality adopting such an ordinance shall install and maintain stop signs, consistent with standards adopted by the Commonwealth Transportation Board and to the extent necessary in coordination with the Department of Transportation. At such crosswalks, no user of such shared-use path shall enter the crosswalk in disregard of approaching traffic.

E. A locality adopting an ordinance under subsection D shall coordinate the enforcement and placement of any stop signs affecting a shared-use path owned and operated by a park authority formed under Chapter 57 (§ [15.2-5700](#) et seq.) of Title 15.2 with such authority.

Other

IMPERSONATING AN OFFICER

HB135 / SB1128 - 18.2-174 - Adds impersonating any local, city, county, state, or federal law-enforcement officer to crime of impersonating officer (Class 1 misdemeanor).

HB1955 – 15.2-1612 – Wearing a police or sheriff uniform with intent to deceive is a class 1 misdemeanor (up from class 3). A subsequent offense is a class 6 felony.

18.2-174 – A second or subsequent offense of pretending to be a law enforcement officer is a class 6 felony.

18.2-174.1 – A second or subsequent offense of impersonating a certified emergency medical services personnel, firefighter, special forest warden, fire marshal, or fire chief is a class 6 felony.

ELECTRONIC TRACKING

HB1981 – New Statute Illegalizing Electronic Tracking

§ [18.2-60.5](#). Unauthorized use of electronic tracking device; penalty.

A. Any person who installs or places an electronic tracking device through intentionally deceptive means and without consent, or causes an electronic tracking device to be installed or placed through intentionally deceptive means and without consent, and uses such device to track the location of any person is guilty of a Class 3 misdemeanor.

B. The provisions of this section shall not apply to the installation, placement, or use of an electronic tracking device by:

1. A law-enforcement officer, judicial officer, probation or parole officer, or employee of the Department of Corrections when any such person is engaged in the lawful performance of official duties and in accordance with other state or federal law;

2. The parent or legal guardian of a minor when tracking (i) the minor or (ii) any person authorized by the parent or legal guardian as a caretaker of the minor at any time when the minor is under the person's sole care;

3. A legally authorized representative of an incapacitated adult, as defined in § [18.2-369](#);

4. The owner of fleet vehicles, when tracking such vehicles;

5. An electronic communications provider to the extent that such installation, placement, or use is disclosed in the provider's terms of use, privacy policy, or similar document made available to the customer; or

6. A registered private investigator, as defined in § [9.1-138](#), who is regulated in accordance with § [9.1-139](#) and is acting in the normal course of his business and with the consent of the owner of the property upon which the electronic tracking device is installed and placed. However, such exception shall not apply if the private investigator is working on behalf of a client who is subject to a protective order under § [16.1-253](#), [16.1-253.1](#), [16.1-253.4](#), [16.1-279.1](#), [19.2-152.8](#), [19.2-152.9](#), [19.2-152.10](#), or subsection B of § [20-103](#), or if the private investigator knows or should reasonably know that the client seeks the private investigator's services to aid in the commission of a crime.

C. For the purposes of this section:

"Electronic tracking device" means an electronic or mechanical device that permits a person to remotely determine or track the position and movement of another person.

"Fleet vehicle" means (i) one or more motor vehicles owned by a single entity and operated by employees or agents of the entity for business or government purposes, (ii) motor vehicles held for lease or rental to the general public, or (iii) motor vehicles held for sale by motor vehicle dealers.

ID FOR ALCOHOL

HB1720 - 4.1-304(B) - Anyone selling alcohol to an under 21 without requiring bona fide identification is guilty of a class 3 misdemeanor (down from class 1).

A Student ID card is not bona fide identification.

Bona fide identification includes an unexpired driver's license issued by any state of the United States or the District of Columbia, military identification card, United States passport or foreign government visa, unexpired special identification card issued by the Department of Motor Vehicles, or any other valid government-issued identification card bearing the individual's photograph, signature, height, weight, and date of birth, or which bears a photograph that reasonably appears to match the appearance of the purchaser.

CIGARETTES

HB1783 / SB1017- 58.1-1017.1 - Possession of more than 500 cartons of tax-paid cigarettes by an unauthorized holder with intent to distribute is a class 6 felony or class 5 for subsequent offenses. Between 25 - 500 is a class 1 misdemeanor or class 6 felony for subsequent offenses. (punishment increased)

HB1820 / SB1018 - 58.1-1017(C) - Selling, purchasing, transporting, receiving or possessing less than 500 packs of cigarettes without tax stamps with intent to evade taxes is a class 1 misdemeanor and subsequent offenses are class 6 felonies.

58.1-1017(D) - Selling, purchasing, transporting, receiving or possessing 500 or more packs of cigarettes without tax stamps with intent to evade taxes is a class 6 felony and subsequent offenses are class 5 felonies.

SB1019 – Counterfeit Cigarettes

18.2-264.14(A) – First distribution of less than 10 is a class 1 misdemeanor and subsequent convictions are class 6 felonies. Distributing 10 or more is a class 6 felony.

19.2-245.01 – Cigarette offenses can be prosecuted in the City of Richmond.

SB1020 - 18.2-513 - Adds violation of 58.1-1017.1 (illegal distribution of stamped cigarettes).

SB1022 - 19.2-386.21 - Cigarettes possessed with intent to distribute illegally are subject to forfeiture as well as any items used in substantial connection to the offense.

VICIOUS DOG

HB1562 – 3.2-6540.1 – Vicious Dog (New Statute)

D. Any owner or custodian of a canine or canine crossbreed or other animal whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life and is the proximate cause of such dog or other animal attacking and causing serious injury to any person is guilty of a Class 6 felony. The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

E. The governing body of any locality may enact an ordinance parallel to this statute regulating vicious dogs. No locality may impose a felony penalty for violation of such ordinances.

FALSE LIENS

SB811 – 18.2-213.2 – Filing a false lien is a class 5 felony and a judge shall order the lien to be released.

ELECTION OFFENSES

HB2331 – 24.2-104(B) – Attorney General Participation in Election Violations

“When the State Board is of the opinion that the public interest will be served, it may request the Attorney General, or other attorney designated by the Governor for such purpose, to assist the attorney for the Commonwealth of any jurisdiction in which election laws have been violated. When the State Board makes its request pursuant to a unanimous vote of all members, the Attorney General, or other attorney designated by the Governor, shall exercise the authority granted by this section to conduct an investigation, prosecute a violation, assure the enforcement of the election laws, and report the results of the investigation to the State Board. The Attorney General, or the other attorney designated by the

Governor, shall have full authority to do whatever is necessary or appropriate to enforce the election laws or prosecute violations thereof.”

CRIMINAL STREET GANG

HB1847 / SB1205 – 18.2-46.1 – Additions to Predicate Acts For Criminal Street Gangs

18.2-31 – Capital Murder
18.2-51.2 – Aggravated Malicious Wounding
18.2-51.3 – Throwing something from above one story.
18.2-51.6 - Strangulation
18.2-52.1 – Possession of infectious agents or radiological agents
18.2-89 – Burglary
18.2-90 – B&E with intent to commit murder, rape, robbery, or arson
18.2-95 – Grand larceny
18.2-108.1 – Receiving a stolen firearm
18.2-248.03 – Sale of meth
18.2-279 – Discharging a Firearm in a Dwelling House
18.2-289 – Use of Machine Gun
18.2-300 – Possess Sawed Off Shotgun
18.2-308.2 – Possess Firearm by Felon
18.2-308.2:01 – Possession of Firearm by Non-Citizen
18.2-308.4 – Possession of Firearm with Drugs
Felony 18.2-60.3 - Stalking
Felony 18.2-248.1:1 – Distribution of Synthetic Marijuana
Felony 18.2-248 (and conspiracy) – Distribution of Drugs
Felony 18.2-248.1 (and conspiracy) – Distribution of Marijuana

DJJ OFFENSES

HB2065 / SB1033 – 18.2-248.1 – If someone committed to DJJ abducts or holds someone hostage it is a class 3 felony.

18.2-431.1 – It is a class 6 felony to provide someone committed to DJJ with a cell phone or for a person committed to possess one.

18.2-474 – It is a class 1 misdemeanor to deliver any item to a person committed to DJJ any item without permission.

18.2-474.1 – Delivering marijuana or synthetic marijuana to a person committed to DJJ is a class 5 felony. Delivery of firearms, ammo, or firearms to a person

committed to DJJ is a class 4 felony.

18.2-475 – A guard voluntarily allowing a person committed to DJJ on a felony adjudication escape is a class 4 felony.

18.2-476 - A guard voluntarily allowing a person committed to DJJ on a misdemeanor adjudication escape is a class 2 misdemeanor.

18.2-477.2 – Makes the crimes in 53.1-203 a class 6 felony, except subsection 6 which is made a class 5 felony, when committed in a DJJ facility.

CRITTERS

HB2099 – 29.1-517 & 29.1-530 – It is now legal for landowners to trap and shoot beavers, muskrats, and raccoons that are nuisances.