

PROCEDURE

SEARCH & SEIZURE

* 19.2-53(A)(5) – A police officer may search or seize “Any person to be arrested for whom a warrant or process for arrest has been issued.”

*** 19.2-54 – Allows a search warrant affidavit to allege the presence of a person with an arrest warrant or other process. * Previously only had allowance for things tending to prove an offense. *

*** 19.2-56 – Allows a search warrant to state it is for a person who has an arrest warrant or other process. * Previously only had requirement of things tending to prove an offense. *

[SB1260/HB2084]

** 19.2-54 – Removes the requirement that an affidavit on a search warrant go to the issuing court, leaving it to go solely to the clerk of the circuit court where the search shall occur (sent by warrant issuer within 7 days of issuing warrant).

* 19.2-56 – Search Warrant Against Financial Institution

“Notwithstanding the provisions of § 19.2-57, any search warrant for records or other information pertaining to a customer of a financial institution as defined in § 6.2-604, money transmitter as defined in § 6.2-1900, commercial business providing credit history or credit reports, or issuer as defined in § 6.2-424 may be executed within the Commonwealth by hand, United States mail, commercial delivery service, facsimile, or other electronic means upon the financial institution, money transmitter, commercial business providing credit history or credit reports, or issuer. The officer executing such warrant shall endorse the date of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording, within three days after the materials ordered to be produced are received by the officer from the financial institution, money transmitter, commercial business providing credit history or credit reports, or issuer. The

return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was executed. Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day filing period. For the purposes of this section, the warrant will be considered executed in the jurisdiction where the entity on which the warrant is served is located.”

[SB1310/HB1874]

Blood Draw Search Warrant

19.2-52 - “An application for **a search warrant to withdraw blood** from a person suspected of violating § 18.2-266, 18.2-266.1, 18.2-272, 29.1-738, 29.1-738.02, or 46.2-341.24 **shall be given priority** over any pending matters not involving an imminent risk to another's health or safety before such judge, magistrate, or other person having authority to issue criminal warrants.” [HB2327/SB1564]

ET CETERA

** Attorney Withdrawal

19.2-190.2 - “A privately retained counsel in any criminal case may, pursuant to the terms of a written agreement between the attorney and the client, withdraw from representation of a client without leave of court after certification of a charge by a district court by providing written notice of the withdrawal to the client, the attorney for the Commonwealth, and the circuit court within 10 days of the certification of the charge.” [HB1411]

* Competency

19.2-169.2(A) – Anyone ordered to be restored to competence inpatient shall be transferred to a hospital within 10 days. [HB1996]

** Evidence: Business Records

8.01-390.3(A) – Foundation for business records can be by (1) witness testimony or (2) certification by affidavit or declaration. * Previously applied only in civil cases. * [HB1903]

* Presentence Report – Nolo Contendere

19.2-299(A)(ii) – Upon a bald plea of guilty *or nolo contendere* the Court shall order a presentence report **unless waived by both the defendant and Commonwealth.** [HB1647]

* Extra Restitution Paperwork

19.2-305.1(E) - At the time of sentencing, the court shall enter the amount of restitution to be repaid by the defendant, the date by which all restitution is to be paid, and the terms and conditions of such repayment on a form prescribed by the Office of the Executive Secretary of the Supreme Court of Virginia. If the attorney for the Commonwealth participated in the prosecution of the defendant, the attorney for the Commonwealth or his designee shall complete, to the extent possible, all portions of the form excluding the amount of restitution to be repaid by the defendant and the terms and conditions of such repayment. If the attorney for the Commonwealth did not participate in the prosecution of the defendant, the court or the clerk shall complete the form. A copy of the form, excluding contact information for the victim, shall be provided to the defendant at sentencing. A copy of the form shall be provided to the attorney for the Commonwealth and to the victim, his agent, or his estate upon request and free of charge. [HB1855/SB1284]

* Analysis Testimony by Video - Prelim

19.2-187(D) - “Any testimony offered by either party in a preliminary hearing or sentencing hearing, or offered by the accused in any hearing other than a trial, from a person who performed an analysis or examination that resulted in a certificate of analysis may be presented by two-way video conferencing. The two-way video testimony permitted by this section shall comply with the provisions of subsection B of § 19.2-3.1. In addition, unless otherwise agreed by the parties and the court, (i) all orders pertaining to witnesses apply to witnesses testifying by video conferencing; (ii) upon request, all materials read or used by the witness during his testimony shall be identified on the video; and (iii) any witness testifying by video conferencing shall certify at the conclusion of his testimony, under penalty of perjury, that he did not engage in any off-camera communications with any person during his testimony.” [SB1257]

* Transportation

19.2-240 – “Upon request of, and receipt of all necessary information from, the attorney for the Commonwealth or counsel for the defendant, the court shall issue all necessary transportation orders for the transport of any defendant incarcerated in a state or local correctional facility to the court. If authorized by the court and upon receipt of all necessary information from the attorney for the Commonwealth or counsel for the defendant, the clerk or deputy clerk may issue these orders on behalf of the court.” [HB1579]

**** Denied Petition for Appeal - Technicality**

19.2-321.1(A) – Allows a motion for a delayed appeal to the Court of Appeals whether the petition was denied in whole ***or in part*** on a technicality.

19.2-321.2(A) – Allows a motion for a delayed appeal to the Virginia Supreme Court if a petition has “(iii) **been dismissed in part because at least one assignments of error contained in the petition for appeal did not adhere to proper form or procedures.**”

[HB1545/SB853]

**** Convicted Officer**

24.2-236 - “**Any officer [public official] convicted of a felony under the laws of any state or the United States shall be automatically suspended upon such conviction, regardless of any appeals, pleadings, delays, or motions.**”

[HB2364/SB1487]

*** Juror Personal Information**

19.2-263.3 –

(A) A judge can regulate the dissemination of juror’s names and addresses.

(B) “**Additional personal information of a juror who has been impaneled in a criminal case shall be released only to the counsel for the defendant, a pro se**

defendant, and the attorney for the Commonwealth. The court may, upon motion of either party or its own motion, and for good cause shown, issue an order authorizing the disclosure of any additional personal information of a juror to any other person. Such order may be modified and may place restrictions on the use and further dissemination of such disclosed information.”

[HB1546]

SUBSTANCE

TRAFFIC CRIMES

Farm Use

46.2-613(6) – Makes first illegal “Farm Use” violation up to \$250 and all subsequent mandatory \$250. [HB1440]

46.2-665(B) (2 & 6) – Changes the distance a “Farm Use” vehicle can travel from one farm property to another or to pick up farm supplies from 50 to 75 miles.

“C. Any law-enforcement officer may require any person operating a vehicle, trailer, or semitrailer and claiming the exemption provided pursuant to this section to provide, upon request, the address of the lands owned or leased by the vehicle's owner for agricultural or horticultural purposes. If such address is unavailable or unknown, the law-enforcement officer may require such person to provide the real property parcel identification number of such lands.”

46.2-666 – Same changes to transport livestock.

46.2-670 – Same changes when transporting wood to a sawmill.

[HB2239]

DUI - CDL

46.2-341.28 – Makes the punishments for driving under the influence as a commercial driver the same as regular driving under the influence. [HB1622]

Adult Found Incompetent / Appointed Guardian

46.2-400 – (A) A person judged incompetent under the guardianship laws by a judge shall lose his license. He can't get a license without approval from both the judge and the DMV commissioner.

(B) A judge appointing a guardian can order the ward to retain his license or order the commissioner to conduct a test as to capability to drive and determine whether the license shall continue, continue with conditions, or be discontinued.

(C) If a person has his license revoked because he has been diagnosed incompetent to drive because of "mental illness, intellectual disability, alcoholism, or drug addiction" the commissioner shall have him examined.

(D) The commissioner retains the ability to examine anyone applying for a license, trying to renew a license, or trying to get a suspended/revoked license back to determine fitness to drive. [HB1878]

Failure to Obey Traffic Sign - Sleeping

16.1-69.40:1(A) – A person convicted of failing to obey a traffic sign because he is pulled over asleep (46.2-830.1) can prepay the fine.

46.2-830.1 – A defendant cannot have a citation for failure to obey a traffic sign because sleeping (as opposed to 46.2-830) if he obstructs traffic.

[SB1021]

DUI - Refusals

16.1-241(A)(7) – JDR court has jurisdiction over minors who refuse a blood test.

16.1-278.9(A2) - **"If a court finds that a child at least 13 years of age has refused to take a blood test in violation of § 18.2-268.2, the court shall order that the child be denied a driver's license for a period of one year or until the**

juvenile reaches the age of 17, whichever is longer, for a first such offense or for a period of one year or until the juvenile reaches the age of 18, whichever is longer, for a second or subsequent such offense.”

18.2-268.3 – Adult Consequences

1st – Both breath and blood draw, 1 year license suspension.

2nd w/in 10 years – Breath: Class 1 misdemeanor; 3 year license revocation.
 Blood draw: 3 year license revocation

46.2-341.26:3 Refusals (CDLs)

1st – Both breath and blood draw, 1 year license suspension.

2nd w/in 10 years - Breath: Class 1 misdemeanor; 3 year license revocation.
 Blood draw: 3 year license revocation

19/2-52 - “An application for a search warrant to withdraw blood from a person suspected of violating § 18.2-266, 18.2-266.1, 18.2-272, 29.1-738, 29.1-738.02, or 46.2-341.24 shall be given priority over any pending matters not involving an imminent risk to another's health or safety before such judge, magistrate, or other person having authority to issue criminal warrants.”
[HB2327/SB1564]

Citations that can be Complied with Law:

46.2-324 – Failure to Notify DMV of Address Change
46.2-613 – Registration Offenses
46.2-711 – License Plate Offenses
46.2-715 – Display of License Plates
46.2-716 – Fastening License Plates Properly / No Filters
46.2-752 – Taxes on Motor Vehicles
46.2-1000 – Defective Equipment
46.2-1003 – Defective Equipment
46.2-1052 – Tinting / Stickers on Windows
46.2-1053 – Tinting for People with Medical Conditions

[SB1276]

Suspending License

46.2-301(D) – If someone is convicted of driving suspended with a suspension based on not paying fines and costs then any new suspension shall run concurrently.

(F) “Notwithstanding any other provision of law imposing a license suspension, revocation, or forfeiture against a person whose license is suspended pursuant to this section, the period of suspension imposed under this section shall run concurrently with any other license suspension, revocation, or forfeiture imposed.”

[HB2467]

46.2-410.2 - “Notwithstanding any other provision of this chapter, the Commissioner shall not administratively revoke or suspend the driver's license of any person on the basis of receiving a record of such person's conviction for any offense under the laws of another jurisdiction that would otherwise require the Commissioner to revoke or suspend such person's driver's license unless such offense is substantially similar to an offense under the laws of the Commonwealth or a county, city, or town ordinance. Whenever the Commissioner is required to determine whether the law of another jurisdiction is substantially similar to the laws of the Commonwealth, or a county, city, or town ordinance, such determination shall be based only on the text of the other jurisdiction's law without reference to the particular circumstances of any conviction under such other jurisdiction's laws. However, if the Commissioner cannot reasonably determine from the text of the other jurisdiction's law whether such law is substantially similar to the laws of the Commonwealth, or a county, city, or town ordinance, the Commissioner may, if available, review a certified copy of the final order of the person's conviction in order to make such determination.” [HB1525]

19.2-349 – Changes date that fines/costs are defaulted on from 30 to 90 days.

“§ 19.2-354.1. Deferred or installment payment agreements.

A. For purposes of this section:

"Deferred payment agreement" means an agreement in which no installment payments are required and the defendant agrees to pay the full amount of the fines and costs at the end of the agreement's stated term.

"Fines and costs" means all fines, court costs, forfeitures, and penalties assessed in any case by a single court against a defendant for the commission of any crime or traffic infraction. "Fines and costs" includes restitution unless the court orders a separate payment schedule for restitution.

"Installment payment agreement" means an agreement in which the defendant agrees to make monthly or other periodic payments until the fines and costs are paid in full.

"Modified deferred payment agreement" means a deferred payment agreement in which the defendant also agrees to use best efforts to make monthly or other periodic payments.

B. The court shall give a defendant ordered to pay fines and costs written notice of the availability of deferred, modified deferred, and installment payment agreements and, if a community service program has been established, the availability of earning credit toward discharge of fines and costs through the performance of community service work. The court shall offer any defendant who is unable to pay in full the fines and costs within 30 days of sentencing the opportunity to enter into a deferred payment agreement, modified deferred payment agreement, or installment payment agreement.

C. The court shall not deny a defendant the opportunity to enter into a deferred, modified deferred, or installment payment agreement solely (i)

because of the category of offense for which the defendant was convicted or found not innocent, (ii) because of the total amount of all fines and costs, (iii) because the defendant previously defaulted under the terms of a payment agreement, (iv) because the fines and costs have been referred for collections pursuant to § 19.2-349, (v) because the defendant has not established a payment history, or (vi) because the defendant is eligible for a restricted driver's license under subsection E of § 46.2-395.

D. In determining the length of time to pay under a deferred, modified deferred, or installment payment agreement and the amount of the payments, a court shall take into account the defendant's financial resources and obligations, including any fines and costs owed by the defendant in other courts. In assessing the defendant's ability to pay, the court shall use a written financial statement, on a form developed by the Executive Secretary of the Supreme Court, setting forth the defendant's financial resources and obligations or conduct an oral examination of the defendant to determine his financial resources and obligations. The court may require the defendant to present a summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs. The length of a payment agreement and the amount of the payments shall be reasonable in light of the defendant's financial resources and obligations and shall not be based solely on the amount of fines and costs. The court may offer a payment agreement combining an initial period during which no payment of fines and costs is required followed by a period of installment payments.

E. A court may require a down payment as a condition of a defendant entering a deferred, modified deferred, or installment payment agreement. Any down payment shall be a minimal amount to demonstrate the defendant's commitment to paying the fines and costs. In the case of an installment payment agreement, the required down payment may not exceed (i) if the fines and costs owed are \$500 or less, 10 percent of such amount or (ii) if the fines and costs owed are more than \$500, five percent of such amount or \$50, whichever is greater. A defendant may make a larger down payment than what is provided by this subsection.

F. All fines and costs that a defendant owes for all cases in any single court may be incorporated into one payment agreement, unless otherwise ordered by the court in specific cases. A payment agreement shall include only those outstanding fines and costs for which the limitations period set forth in § 19.2-341 has not run.

G. Any payment received within 10 days of its due date shall be considered to be timely made.

H. At any time during the duration of a payment agreement, the defendant may request a modification of the agreement in writing on a form provided by the Executive Secretary of the Supreme Court, and the court may grant such modification based on a good faith showing of need.

I. A court shall consider a request by a defendant who has defaulted on a payment agreement to enter into a subsequent payment agreement. In determining whether to approve the request for a subsequent payment agreement, the court shall consider any change in the defendant's circumstances. A court shall require a down payment to enter into a subsequent payment agreement, provided that the down payment required to enter into a subsequent payment agreement shall not exceed (i) if the fines and costs owed are \$500 or less, 10 percent of such amount or (ii) if the fines and costs owed are more than \$500, five percent of such amount or \$50, whichever is greater. When a defendant enters into a subsequent payment agreement, a court shall not require a defendant to establish a payment history on the subsequent payment agreement before restoring the defendant's driver's license."

[HB2386/SB854]

Restricted License

18.2-271.1(E) – A restricted license can be issued for “(xiv) travel to and from a job interview for which he maintains on his person written proof from the prospective employer of the date, time, and location of the job interview.” [SB817]

Driving Wrong Side of Road

46.2-802 – Sets fine for not driving in the right side of the highway except to pass at \$100.

46.2-804 – Sets fine for not driving in the proper lane at \$100.

* Both previously up to \$250 *

[HB2201]

Yellow Flashing Lights

46.2-1025(A)(11) - “Vehicles used to collect and deliver packages weighing less than 150 pounds by a national package delivery company that delivers such packages in all 50 states, provided that the amber lights are lit only when the vehicle is stopped and its operator is engaged in such collection and delivery” can have flashing amber lights. [SB1291]

Crash While on Duty LEO

46.2-373.1 - “Notwithstanding the provisions of § 46.2-208, any law-enforcement officer, as defined in § 9.1-101, who is named as a driver in a motor vehicle accident on a report submitted to the Department pursuant to § 46.2-373 shall not have the accident displayed on his driving record if he was

driving a motor vehicle provided by a law-enforcement agency in the course of his employment and was operating the motor vehicle in the performance of his official duties at the time of such accident. The driving record of such law-enforcement officer involved in an accident in the course of his employment shall not contain any information of an accident submitted pursuant to § 46.2-373.” [HB2336/SB1486]

Electronic ID / License

46.2-225 thru 46.2-230: The Electronic Credentials Act: (1) Allows for the creation by DMV of electronic credentials (a) for which the DMV can charge \$10 and (b) which are not necessary to hand over to anyone to verify identity or license and (c) which protect privacy.

(2) Does not relieve anyone from carrying a physical version as required by law.

[HB2229]

Parking Tickets

46.2-1220 – Law enforcement in a city of 40,000 or more can write tickets on parking ordinances. * Change from 90,000. * [SB1169]

THEFT CRIMES

18.2-191 - "Sales Draft" is expanded to include electronic receipts as well as paper. *most likely false return frauds* [HB1492]

63.2-100 – Broadens the definitions of adult abuse, exploitation, and neglect to include all adults 60 or older, not just incapacitated adults.

"Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an incapacitated adult as defined in § 63.2-1603 [60 yoa or older] or his funds, property, benefits, resources, or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.

* Triggers mandated reporting *
[HB1945]

VIOLENT CRIMES

Domestic Assault & Battery – Advisement

18.2-57.3(B) - For a person to get diversion on a domestic A&B “(a) the person [must] not [have been] previously been convicted of an act of violence as defined in § 19.2-297.1 or (b) if such person has been previously convicted of such an act of violence, the attorney for the Commonwealth [must] not object to the deferral.” [HB2064]

18.2-57.3 – In order for a Domestic A&B to be taken under advisement the defendant must consent “to a waiver of his right to appeal a finding of facts sufficient to justify a finding of guilt under this section entered pursuant to subsection F for a violation of a term or condition of his probation. A person may file a motion to withdraw his consent to the deferral and waiver of his right to appeal within 10 days of the entry of the order deferring proceedings on a form prescribed by the Office of the Executive Secretary of the Supreme Court of Virginia. The court shall schedule a hearing within 30 days of receipt of the motion and shall provide reasonable notice to the attorney for the Commonwealth and to the person and his attorney, if any. If the person appears at the hearing and requests to withdraw his consent, the court shall grant such request, enter a final order adjudicating guilt, and sentence the person accordingly. If the person does not appear at the hearing, the court shall deny his request to withdraw his consent.” [HB1851]

Assault & Battery

18.2-57 (E&F) – Mandatory 15 days including mandatory minimum 2 days for **any** health care provider in **any part** of a hospital (previously applied only to emergency personnel in the emergency room) – still limited to emergency rooms in non-hospital facilities [HB1921/SB973]

Aid to Terrorist Organizations

18.2-46.5(D) - “Any person who knowingly provides any material support (i) to an individual or organization, whose primary objective is to commit an act of terrorism and (ii) does so with the intent to further such individual's or organization's objective is guilty of a Class 3 felony. If the death of any person results from providing any material support, then the person who provided such material support is guilty of a Class 2 felony.”

[HB2410/SB1154/SB1052]

Capital Cases

8.01-654.2, 18.2-10, 19.2-264.3:1.1, 19.2-264.3:1.2, & 19.2-264.3:3 – Changes “mental retardation” to “**intellectually disability**” in all capital murder statutes.

Distinction without a difference [HB1882/SB1352]

SEX CRIMES

Female Genital Mutilation

18,2-51.7 Anyone who commits, consents to, removes from Virginia to accomplish, or permits removal from Virginia to accomplish female genital mutilation is guilty of a class 1 misdemeanor, unless it was a medical necessity. This statute does not limit prosecution under other statutes.

19.2-8 – Female genital mutilation may be prosecuted up to one year after the child reaches majority.

[SB1060]

Sex Offender Location Ban

18.2-370.2(D) - “Any person convicted of an offense under the laws of any foreign country or any political subdivision thereof, or the United States or any political subdivision thereof, similar to any offense set forth in subsection A [abduction, sexual offenses against minors, child porn] shall be forever prohibited from loitering within 100 feet of the premises of any place he knows or has reason to know is a primary, secondary, or high school or any place he knows or has reason to know is a child day program as defined in § 63.2-100. In addition, he shall be forever prohibited from going, for the purpose of having any contact whatsoever with children who are not in his custody, within 100 feet of the premises of any place owned or operated by a locality that he knows or has reason to know is a playground, athletic field or facility, or gymnasium.” [HB1485]

DSS

18.2-374.1:1(H) - “**Employee[s] of the Department of Social Services or a local department of social services**” can possess child porn associated with their job. [HB1580]

PERK Kits

19.2-11.8(B) – Law enforcement shall maintain PERK kits returned to its possession for ten years or **ten years after age of majority**. * Change from 2 years after majority. * NLT 60 days before such a kit would be destroyed the department must attempt to notify the victim. If the victim delivers a written objection the department must maintain the kit for another 10 years. [HB2127]

19.2-11.11(D) – Law enforcement is not required to give over the results of a PERK kit to a parent, guardian, or next of kin who is the alleged perpetrator. [SB1501]

DRUG CRIMES

Marijuana Advisement - License

18.2-251 – (1) If a person is charged with possession of marijuana and his case is taken under advisement ***the judge does not have to suspend his driving privileges UNLESS the possession was while driving.*** If the judge does not suspend the license the defendant must do **50 more hours of community service.** [HB2051/1091]

Opioid Prescriptions

54.1-2522.1(B) – A doctor can only give a seven day opioid prescription to a new patient. * **Previously was 14.** *

54.1-2522.1(C)(2) – Can only prescribe opioids post surgery for 14 days. * **Previously just required non-refillable.** *

[HB1885/SB1232]

New Scheduled Drugs

Schedule I

54.1-3446:

3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide (other name: U-47700);

3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]benzamide (other name: AH-7921);

N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide (other name: alpha-methylthiofentanyl);

N-[1-(1-methyl-2-phenylethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-methylfentanyl);

N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxyfentanyl);

N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide (other names: 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);

N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidiny]-propanamide (other name: 3-fluorofentanyl);

N-[3-methyl-1-(2-hydroxy-2-phenylethyl)4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxy-3-methylfentanyl);

N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl);

N-[3-methyl-1-(2-thienyl)ethyl-4-piperidiny]-N-phenylpropanamide (other name: 3-methylthiofentanyl);

N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidiny]-butanamide (other name: para-fluorobutyrylfentanyl);

N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidiny]-propanamide (other name: para-fluorofentanyl);

N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-2-furancarboxamide (other name: Furanyl fentanyl);

N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-butanamide (other name: butyryl fentanyl);

N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-pentanamide (other name: Pentanoyl fentanyl);

N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny]-propanamide (other name: thiofentanyl);

5-methoxy-N,N-methylisopropyltryptamine (other name: 5-MeO-MIPT);

Beta-keto-N,N-dimethylbenzodioxolylbutanamine (other names: Dibutylone, bk-DMBDB);

1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone (other name: N-ethylpentylone);

1-[1-(3-methoxyphenyl)cyclohexyl]piperidine (other name: 3-methoxy PCP);

1-[1-(4-methoxyphenyl)cyclohexyl]piperidine (other name: 4-methoxy PCP);

4-Chloroethcathinone (other name: 4-CEC);

3-Methoxy-2-(methylamino)-1-(4-methylphenyl)-1-propanone (other name: Mexedrone);

1-propionyl lysergic acid diethylamide (other name: 1P-LSD);

(2-Methylaminopropyl)benzofuran (other name: MAPB)

Clonazepam;

Flubromazepam;

2-(3-fluorophenyl)-3-methylmorpholine (other name: 3-fluorophenmetrazine);

Ethyl phenyl(piperidin-2-yl)acetate (other name: Ethylphenidate);

N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide (other name: ADB-FUBINACA);

Methyl 2-[1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name: MDMB-FUBINACA);

Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names: 5-fluoro-ADB, 5-Fluoro-MDMB-PINACA);

Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate (other names: AMB-FUBINACA, FUB-AMB);

N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (other name: FUB-AKB48)

N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (other name: 5F-AKB48);

Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate (other name: SDB-005);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide (other name: AB-CHMICA).

[HB1610/SB1546]

54.1-3448 – Thiafentanil is now **Schedule II**. * Drug used to immobilize Carribou etc. *

54.1-3454 – New **Schedule V**: Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl] butanamide) (also referred to as BRV; UCB-34714; Briviact) * Anti-epileptic *

[HB2470]

§ 54.1-3408.05 - “Except as otherwise provided in this chapter, no person shall be prosecuted under Chapter 7 (§ 18.2-247 et seq.) of Title 18.2 for acting in accordance with § 54.1-3421 or for prescribing, administering, dispensing, or possessing pursuant to a valid prescription issued by a prescriber any substance that has been approved as a prescription drug by the U.S. Food and Drug Administration pursuant to 21 U.S.C. § 360bb and 21 U.S.C. § 355 on or after July 1, 2017, in accordance with any final or interim final order or rule issued pursuant to 21 U.S.C. § 811(j). Such immunity from prosecution for a particular substance shall remain in effect until the earlier of (i) nine months as calculated from the latter of the date of the publication in the Federal Register of the interim final order or rule scheduling such substance or the final order or rule scheduling such substance, provided that a final order or rule is issued within nine months of the interim final order or rule, or (ii) such substance being added to a schedule in Article 5 (§ 54.1-3443 et seq.) pursuant to § 54.1-3443 or by enactment into law.” [HB1799/SB 1403]

WEAPONS CRIMES

Non-violent Felon – Antique Firearm

18.2-308.2(C2) – Non-violent felons can possess an antique firearm and up to 5 pounds of black powder. [SB1533]

Definitions Already Part of the Law

18.2-308.2:2(G)

"Antique firearm" means:

- 1. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;**
- 2. Any replica of any firearm described in subdivision 1 of this definition if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade;**
- 3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any combination thereof; or**
- 4. Any curio or relic as defined in this subsection.**

“Curios or relics” means firearms that are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

- 1. Firearms that were manufactured at least 50 years prior to the current date, which use rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade, but not including replicas thereof;**
- 2. Firearms that are certified by the curator of a municipal, state, or federal museum that exhibits firearms to be curios or relics of museum interest; and**
- 3. Any other firearms that derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collectors' items, or that the value of like firearms available in ordinary commercial channels is substantially less.**

Handgun Permit

18.2-308.04(E) – A concealed handgun permit shall be “of a size comparable to a Virginia driver's license, may be laminated or use a similar process to protect the permit.” [HB1849]

18.2-308.016(A)(1) - “Any conservation officer retired from the Department of Conservation and Recreation” can carry a concealed firearm. [HB2308/SB1465]

OTHER CRIMES

Conflict of Interest

2.2-3110(A)(10) – Allows members of a soil and water conservation board, as well as their family members and employees, to directly contract with the board “to participate in [] cost-share programs for the installation of best management practices to improve water quality.” * It does not change the part forbidding subcontracting with the person awarded the contract by the board * [HB1472/SB965]

2.2-3110(A)(3) – An officer or employee of a municipality of less than 10,000 who contracts with it for a total less than **\$5,000** or a total thru blind bids of more than **\$5,000** and less than \$25,000 has not violated the conflict of interest laws.

(4 & 5) If an officer or employee gets income from a contracting firm, has no involvement in the contract, and total contracts are less than **\$5,000** there is no violation of the conflict of interest laws.

* All \$5,000 amounts were previously \$10,000. *

[SB1312/HB1854]

False Fire Alarm

15.2-1716.1 – If convicted of false bomb threat ***or false fire alarm*** restitution is allowed at sentencing of \$250 without accounting or up to **\$2,500** with an accounting. *Previously topped out at \$1,000*

15.2-212 – Removes restrictions of locations for false fire reports and allows the charge for any building. *Class 1 Misdemeanor*

[HB1404/SB1054]

Dogs

3.2-6540(2) - “A canine or canine crossbreed is not a dangerous dog if, upon investigation, a law-enforcement officer or animal control officer finds that the injury inflicted by the canine or canine crossbreed upon a person consists solely of a single nip or bite resulting only in a scratch, abrasion, or other minor injury.” [HB2381]

3.2-6511.1 – A pet shop cannot get dogs from a dealer with one “critical” violation or three “non-critical” violations. * Class 1 misdemeanor per dog. * [SB852]

Beer

4.1-208(A)(6)(e, f, & g) – Allows beer to be sold in cans at events in halls, coliseums, etc. [SB1469/HB1744]

Fire

25-15.1 – A fire chief responding to a call has authority to maintain order “**in the immediate airspace**” the event. * Refusal to obey = Class 4 misdemeanor. * [SB873]

10.2-1142(B) – Burns are banned from 15 February – 30 April except between 1600 – 2400 hours except “**to prevent damage to orchards or vineyards by frost or freezing temperatures.**” [HB1793]

Hunting

29.1-530.1 – Adds Blaze Pink to the color which hunters can wear. [HB1939]

21.9-519(A)(8) – A slingbow can be used to hunt all but bear or elk. * Class 3 misdemeanor to hunt with unauthorized weapon. * [HB1938]

29.1-303.2:1 - “The Board may create a separate state youth resident license for hunting bear that may be obtained by any resident under the age of 16. The fee for the state youth resident license for hunting bear shall be \$5.50. The license fees established by this section may be revised by the Board pursuant to § 29.1-103.

The state youth resident license to hunt bear may be obtained from the clerk or agent of any county or city whose duty it is to sell licenses.”
[HB2255]

Noise Ordinances

15.2-980 – A local noise ordinance (civil penalty) can be enforced by the chief law enforcement officer. [SB926]

Reports by Child Protective Services

63.2-1503(N) – Child protective services must report all reports, complaints, family assessments, and investigations involving ***children of members of the United States Armed Forces*** or members of their household to family advocacy representatives of the United States Armed Forces.

Previously only required reporting of founded complaints and merely allowed the report of other items. [SB1164/HB2279]