

Constitution

4TH AMENDMENT – SEARCHES & WARRANTS

Collins v. Virginia, MAY18, USSC no. 16-1027: (1) Curtilage, the area immediately surrounding and associated with the home is part of the home itself for Fourth Amendment purposes. (2) When a law enforcement officer physically intrudes on the curtilage to gather evidence, a search within the meaning of the Fourth Amendment has occurred and is presumed to be unconstitutional. (3) The automobile exception to the Fourth Amendment does not allow an officer to check a car on a person's residential property. (4) The scope of the automobile exception extends no further than the automobile itself. (5) A plain-view seizure cannot be justified if it is effectuated by unlawful trespass.

Carpenter v. United States, JUN18, USSC no. 16-402: In order to trace someone using cell site records LEO's must have a search warrant (previously allowed by court order).

Byrd v. U.S., MAY18, USSC no. 16-1371: (1) The mere fact that a driver in lawful possession or control of a rental car is not listed on the rental agreement will not defeat his or her otherwise reasonable expectation of privacy.

§ 19.2-56 – The return on a search warrant must (a) go to the clerk of the county where it was executed with (b) a copy sent to the clerk where it was issued. (c) If served out of state the return goes to where the search warrant was issued.

§ 19.2-60.1(C) – LEO can use drones without a search warrant “(v) following an accident where a report is required pursuant to § 46.2-373, to survey the scene of such accident for the purpose of crash reconstruction and record the scene by photographic or video images; (vi) by the Department of Transportation when assisting a law-enforcement officer to prepare a report pursuant to § 46.2-373.”

§ 19.2-70.2(H) – Exception to Court Order Requirement for Pen Traps

When disclosure of real-time location data is not prohibited by federal law, an investigative or law-enforcement officer may obtain a pen register or trap and trace

device installation without a court order, in addition to any real-time location data obtained pursuant to subsection E of § 19.2-70.3, in the following circumstances:

1. To respond to a user's call for emergency services;
2. With the informed, affirmative consent of the owner or user of the electronic device concerned if (i) the device is in his possession, (ii) the owner or user knows or believes that the device is in the possession of an employee or agent of the owner or user with the owner's or user's consent, or (iii) the owner or user knows or believes that the device has been taken by a third party without the consent of the owner or user;
3. With the informed, affirmative consent of the legal guardian or next of kin of the owner or user, if reasonably available, if the owner or user is reasonably believed to be deceased, is reported missing, or is unable to be contacted;
4. To locate a child who is reasonably believed to have been abducted or to be missing and endangered; or
5. If the investigative or law-enforcement officer reasonably believes that an emergency involving the immediate danger to a person requires the disclosure, without delay, of pen register and trap and trace data, or real-time location data pursuant to subsection E of § 19.2-70.3, concerning a specific person and that a court order cannot be obtained in time to prevent the identified danger.

No later than three business days after seeking the installation of a pen register or trap and trace device pursuant to this subsection, the investigative or law-enforcement officer seeking the installation shall file with the appropriate court a written statement setting forth the facts giving rise to the emergency and the reasons why the installation of the pen register or trap and trace device was believed to be important in addressing the emergency.

5TH AMENDMENT – DOUBLE JEOPARDY

Currier v. Virginia, JUN18, USSC no. 16-1348: If a defendant agrees to sever charges from a single incident so they can be tried separately, then the defendant cannot use the fact that he was found not guilty in the first trial to bar the subsequent trial. (felon in possession of firearm severed to keep out prior convictions)

6TH AMENDMENT – RIGHT TO COUNSEL

McCoy v. Louisiana, MAY18, USSC no. 16-8255: (1) The defendant has the absolute right to decide if guilt will be admitted. (2) It is the defendant's prerogative, not counsel's, to decide on the objective of his defense. (3) Decisions the attorney makes: (a) what arguments to pursue, (b) what evidentiary objections to raise, and (c) what agreements to conclude regarding the admission of evidence. (4) Decisions which are entirely the defendant's: (a) whether to be represented, (b) whether to plead guilty, (c) whether to have a jury trial, (d) whether to testify, and (e) whether to appeal. (5) Even with overwhelming evidence and an attorney urging a plea, it is for the defendant to make the value judgment whether to take a minuscule chance of not being convicted. (6) If a defendant refuses to participate in his defense despite attempts by counsel to inform and involve him, the attorney may concede guilt if it is strategically valid. (7) Admitting guilt against the wishes of the defendant is a structural error and not subject to harmless error review.

Procedure

-----[RESTITUTION / COSTS]-----

§ 53.1-145(12) – Probation officers shall monitor restitution.

§ 9.1-176.1(A)(11) – Local probation officers shall monitor restitution.

§ 19.2-305.1

(F)(1) – 60 days prior to release from probation the PO must notify the Commonwealth Attorney if restitution is not completed. The Commonwealth notifies the victim. A court hearing will be held and the judge will decide whether to release from supervision, modify supervision, revoke time, or find in contempt (60 days, \$500 max).

(F)(2) – If no active probation, the judge must schedule a hearing 2 years from sentencing to determine if restitution paid. If it is not, the judge can modify probation, revoke time, or find in contempt (60 days, \$500 max).

(F)(3) – If restitution not paid in either above the judge must set further hearings until it is paid or 10 years passes from the first restitution hearing.

(F)(4) – If the judge determines restitution can never be paid he can dispense with hearing under (F)(3).

§ 19.2-358(D & E) – If a restitution installment is not paid the Commonwealth can show cause the convict and the court can give her up to 60 days incarceration. The judge can order the convict released upon payment of the arrears. The burden is on the convict to prove failure to pay is not her fault. If proven, the judge can amend the payment plan.

§ 19.2-354(C) - Requires the Court to tell the defendant he can work off fines and costs through incarcerated and post incarceration community service and give him written notice of the same.

§ 53.1-131.1 Changed to (1) allow non-violent felons to serve the sentence on weekends, and (2) limited weekend imprisonment to only those with 45 days or less left to serve. (3) If the Commonwealth objects the judge cannot give a felon weekend time.

§ 19.2-242 – Amended so that a person held in jail on a criminal charge is only discharged after two terms of court if the charge “has been certified or otherwise transferred from a district court to a circuit court.”

§ 19.2-120(B)(15) – Presumption Against Bond – Adds human trafficking offenses.

§ 17.1-625 – This section – limiting the number of attorneys an indigent defendant could be charged for to one – is repealed.

§ 17.1-258.6(B) - Notwithstanding any other provision of law, any statutory authorization for the use of copies or reproductions in civil **or criminal proceedings** in circuit court shall be satisfied by use of such copies or reproductions in hard copy or electronic form approved for filing under the Rules of Supreme Court of Virginia.

-----[JURISDICTION]-----

§ 19.2-244(C) - The courts of a locality shall have concurrent jurisdiction with the courts of any other locality adjoining such locality over criminal offenses committed in or upon the premises, buildings, rooms, or offices owned or occupied by such locality or any officer, agency, or department thereof that are located in the adjoining locality.

§ 16.1-242 – Specifies that the jurisdiction a juvenile court maintains over an offender until she becomes 21 includes “the authority to suspend, reduce, modify, or dismiss the disposition of any juvenile adjudication.”

-----[SANITY / COMPETENCY]-----

§ 19.2-182.2 – A judge can order that a person found NGRI to be evaluated as to necessity of commitment on an outpatient basis (previously had to be inpatient).

§ 19.2-169.1 – Competency evaluation must be done outpatient unless a previous outpatient evaluation finds that it must be done inpatient or the defendant is already in the custody of behavioral health.

§ 19.2-169.5 – Sanity evaluation must be done outpatient unless a previous outpatient evaluation finds that it must be done inpatient or the defendant is already in the custody of behavioral health.

[Both take away the court’s discretion to decide]

-----[**VICTIM / WITNESS PROTECTION**]-----

§ 19.2-11.01(5)(a) – Victims and witnesses will be told any phone numbers and email addresses shall not be disclosed except as needed for criminal proceedings.

§ 19.2-11.2 – Upon request of (1) a witness in gang, drug, or violent crime cases or (2) any victim the LEO's, CWA's, and defense attorneys may not disclose any phone numbers or email addresses.

§ 19.2-269.2 - Judge may prohibit testimony as to any phone numbers or email addresses.

§§ 16.1-253.1 (Preliminary Family Abuse Protective Order) and 16.1-279.1 (Family Abuse Protective Order) - "5. Granting the petitioner and, where appropriate, any other family or household member of the petitioner, exclusive use and possession of a cellular telephone number or electronic device. The court may enjoin the respondent from terminating a cellular telephone number or electronic device before the expiration of the contract term with a third-party provider. The court may enjoin the respondent from using a cellular telephone or other electronic device to locate the petitioner."

§ 19.2-390(A)(d) – All persons arrested for misdemeanors must be fingerprinted and reported to CCRE. (previously exempted trespassing and disorderly conduct)

§ 19.2-310.2(A) – Adds misdemeanor A&B and trespass to the convictions which require a DNA sample be taken.

§ 19.2-389 - Dissemination of criminal history record information - "I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court." ????

§ 19.2-389 - Juvenile record information maintained in the Central Criminal Records Exchange can be distributed "(xiii) to the chief law-enforcement officer of a locality, or his designee who shall be an individual employed as a public safety official of the locality, that has adopted an ordinance in accordance with §§ 15.2-1503.1 and 19.2-389 for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency as provided in § 32.1-111.5."

-----[DOGS IN THE COURTROOM]-----

§ 18.2-67.9:1. Use of a certified facility dog for testimony in a criminal proceeding.

A. As used in this section, "certified facility dog" means a dog that (i) has completed training and been certified by a program accredited by Assistance Dogs International or by another assistance dog organization that is a member of an organization whose main purpose is to improve training, placement, and utilization of assistance dogs and (ii) is accompanied by a duly trained handler.

B. In any criminal proceeding, including preliminary hearings, the attorney for the Commonwealth or the defendant may apply for an order from the court allowing a certified facility dog to be present with a witness testifying before the court through in-person testimony or testimony televised by two-way closed-circuit television pursuant to § 18.2-67.9.

C. The court may enter an order authorizing a dog to accompany a witness while testifying at a hearing in accordance with subsection B if the court finds by a preponderance of the evidence that:

1. The dog to be used qualifies as a certified facility dog;
2. The use of a certified facility dog will aid the witness in providing his testimony; and
3. The presence and use of the certified facility dog will not interfere with or distract from the testimony or proceedings.

D. The party seeking such order shall apply for the order at least 14 days before the preliminary hearing, trial date, or other hearing to which the order is to apply.

E. The court may make such orders as necessary to preserve the fairness of the proceeding, including imposing restrictions on and instructing the jury regarding the presence of the certified facility dog during the proceedings.

F. Nothing contained in this section shall prevent the court from providing any other accommodations to a witness as provided by law.

§ 9.1-101 – Definition of a law enforcement officer now includes “member of the investigations unit designated by the State Inspector General pursuant to § 2.2-311 to investigate allegations of criminal behavior affecting the operations of a state or nonstate

agency; (xi) employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 or by the Department of Juvenile Justice pursuant to subdivision A 7 of § 66-3.”

HB 83 – Female inmates do not have to pay for feminine hygiene products.

Substance

THEFT CRIMES

Statutes in Which the Threshold has Changed to \$500

- § 18.2-23 – Conspiracy to Grand Larceny
- § 18.2-80 – Arson – value of property in the building
- § 18.2-81 – Arson of personal property, standing grain, or other crop
- § 18.2-95 – Grand Larceny
- § 18.2-96 – Petit Larceny
- § 18.2-96.1(C) – Destroying ID on personalty.
- § 18.2-96.1(D) – Possessing personalty with the ID destroyed.
- § 18.2-97 – Larceny of poultry, sheep, lamb, swine, or goat.
- § 18.2-102 – Unauthorized Use of animal, aircraft, vehicle, boat or vessel.
- § 18.2-103 – Concealment
- § 18.2-108.01(A) – Larceny with intent to sell.
- § 18.2-108.01(B) – Possessing stolen property with intent to sell.
- § 18.2-145.1 – Destruction of a research farm’s product.
- § 18.2-150 – Destroy a ship, vessel or other watercraft
- § 18.2-152.3 – Computer Fraud
- § 18.2-162 – Damage to Public Utilities
- § 18.2-181 – Bad Check
- § 18.2-181.1 – Aggregate Bad Checks
- § 18.2-182 – Issuing a bad check for wages
- § 18.2-186 – False financial statement to get
- § 18.2-186.3 – Identity Theft
- § 18.2-187.1 – Illegally obtaining utilities
- § 18.2-188 – Defrauding Hotels or Campgrounds
- § 18.2-195 – Credit Card Fraud
- § 18.2-195.2 – Fraudulent Application for a Credit Card
- § 18.2-197 – Criminal Receiving of items or services taken by credit card fraud
- § 18.2-340.37(C) – Converting Charitable Gaming Proceeds
- § 19.2-289 – Ability of a jury to find someone charged with grand larceny guilty of petit larceny
- § 19.2-290 - Ability of a jury to find someone charged with petit larceny guilty even if value is grand larceny amount
- § 19.2-386.16 – Forfeiture of Vehicle transporting stolen goods
- § 29.1-553 – Aggregate sale of wild birds, wild animals, or fresh water fish, or parts of wild birds or animals.

VIOLENT CRIMES

§ 18.2-51.7 – Female genital mutilation is a class 2 felony (previously a class 1 misdemeanor).

§ 16.1-243. Venue - “d. Abuse and neglect: In cases involving an allegedly abused or neglected child, be commenced (i) in the city or county where the child resides, (ii) in the city or county where the child is present when the proceedings are commenced, or (iii) in the city or county where the alleged abuse or neglect occurred;”

SEX CRIMES

§ 19.2-11.8(A) – A department with a PERK kit does not have to turn it in to the Department of Forensics within 60 days if another department has taken over the investigation.

§ 9.1-910 - Sexual/Violent Offense Registry – The 15 or 25 year availability to be removed from the registry is made available for non-Virginia offenses.

DRUG CRIMES

§ 4.1-201(A)(17) – A private, non-profit swim club can allow its members to bring alcohol without having a license.

§ 3.2-5115 – Dogs are allowed in designated areas (where food is not manufactured) of distilleries, wineries, or breweries.

§ 54.1-3466 - Paraphernalia Possession or Distribution: Class 1 Misdemeanor
(F) The provisions of this section and of § 18.2-265.3 shall not apply to (i) a person who dispenses naloxone in accordance with the provisions of subsection Y of § 54.1-3408 and who, in conjunction with such dispensing of naloxone, dispenses or distributes hypodermic needles and syringes for injecting such naloxone or (ii) a person who possesses naloxone that has been dispensed in accordance with the provisions of subsection Y of § 54.1-3408 [*authorized trainer authorized by Board of Pharmacy and trainees*] and possesses hypodermic needles and syringes for injecting such naloxone in conjunction with such possession of naloxone.

§ 54.1-2522.1 - **Removed** part of the statute that allowed doctors to prescribe without checking PMP if after surgical/invasive procedure and less than 14 days.

-----[**VETERINARIANS**]-----

§ 54.1-3301(2) - Veterinarian may order a 7 day compounded prescription for companion animals.

§ 54.1-3303

(A) A veterinarian can only issue controlled substances to someone with which he has a “veterinarian-client-patient relationship.”

“For purposes of this section, a bona fide veterinarian-client-patient relationship is one in which a veterinarian, another veterinarian within the group in which he practices, or a veterinarian with whom he is consulting has assumed the responsibility for making medical judgments regarding the health of and providing medical treatment to an animal as defined in § 3.2-6500, other than an equine as defined in § 3.2-6200, a group of agricultural animals as defined in § 3.2-6500, or bees as defined in § 3.2-4400, and a client who is the owner or other caretaker of the animal, group of agricultural animals, or bees has consented to such treatment and agreed to follow the instructions of the veterinarian. Evidence that a veterinarian has assumed responsibility for making medical judgments regarding the health of and providing medical treatment to an animal, group of agricultural animals, or bees shall include evidence that the veterinarian (A) has sufficient knowledge of the animal, group of agricultural animals, or bees to provide a general or preliminary diagnosis of the medical condition of the animal, group of agricultural animals, or bees; (B) has made an examination of the animal, group of agricultural animals, or bees, either physically or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically or has become familiar with the care and keeping of that species of animal or bee on the premises of the client, including other premises within the same operation or production system of the client, through medically appropriate and timely visits to the premises at which the animal, group of agricultural animals, or bees are kept; and (C) is available to provide follow-up care.”

§ 54.1-3446 – New Schedule I drugs

2-methoxy-N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Methoxyacetyl fentanyl);

N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (other name: Cyclopropyl fentanyl);

N-(1-phenethylpiperidin-4-yl)-*N*-phenyltetrahydrofuran-2-carboxamide (other name: Tetrahydrofuranyl fentanyl);

N-{1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl}-*N*-phenylpropanamide (other name: beta-hydroxythiofentanyl);

N-(2-fluorophenyl)-*N*-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: 2-fluorofentanyl, ortho-fluorofentanyl);

N-(4-fluorophenyl)-2-methyl-*N*-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-fluoroisobutyryl fentanyl);

N-phenyl-*N*-[1-(2-phenylethyl)-4-piperidinyl]-2-propenamide (other name: Acryl fentanyl);

1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)-1-pentanone (other names: *N,N*-Dimethylpentylone, Dipentylone);

1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)octan-1-one (other name: 4-methoxy-PV9)
3,4-tetramethylene-alpha-pyrrolidinovalerophenone (other name: TH-PVP);

4-allyloxy-3,5-dimethoxyphenethylamine (other name: Allylescaline);

4-Bromo-2,5-dimethoxy-*N*-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25B-NBOH);

4-chloro-alpha-methylamino-valerophenone (other name: 4-chloropentedrone);

4-chloro-alpha-Pyrrolidinovalerophenone (other name: 4-chloro-alpha-PVP);

4-fluoro-alpha-Pyrrolidinoheptiophenone (other name: 4-fluoro-PV8);

4-hydroxy-*N,N*-diisopropyltryptamine (other name: 4-OH-DIPT);

4-methyl-alpha-ethylaminopentiophenone;

4-methyl-alpha-Pyrrolidinohexiophenone (other name: MPHP);

5-methoxy-*N,N*-dimethyltryptamine (other name: 5-MeO-DMT);

5-methoxy-*N*-ethyl-*N*-isopropyltryptamine (other name: 5-MeO-EIPT);

6-ethyl-6-nor-lysergic acid diethylamide (other name: ETH-LAD);

6-allyl-6-nor-lysergic acid diethylamide (other name: AL-LAD);

(*N*-methyl aminopropyl)-2,3-dihydrobenzofuran (other name: MAPDB).

Flubromazepam

1-pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide (other name: SDB-006);

Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (other name: FUB-PB-22);

Methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (other name: MMB-CHMICA);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name: 5-fluoro-ADB-PINACA).

TRAFFIC LAWS

§ 46.2-1508.2(E) - Makes it a class 4 misdemeanor to sell more than 5 used cars from one plot of land in a year, park a used car on another's property to sell it, have someone else's car on an land owner's property for sale (exceptions for immediate family members), advertise someone else's car for sale.

§ 46.2-916.3(B)(6) - Golf and utility vehicles are allowed "to cross a one-lane or two-lane highway from one portion of a venue hosting an equine event to another portion thereof if (i) the crossing occurs on the same day as such equine event, (ii) a temporary traffic control zone is established at such crossing with speed limits of no more than 35 miles per hour, and (iii) the crossing and highway vehicular traffic are being monitored and controlled by a uniformed law-enforcement officer."

§ 46.2-800.2(A) – Allows localities to make the maximum speed an off road recreational vehicle can travel 35 mph on highways within their borders. (previously 25mph)

§ 46.2-1095(A) – A child seat must face backward until the child is 2 or the child weighs enough for a forward facing one.

§ 46.2-613

(A)(1) – Cannot park an unregistered vehicle on a highway or allow one to be parked on a highway.

(A)(3) – Cannot “use any registration card, license plate, or decal to which he is not entitled.”

§ 46.2-1078.1(C) – Using a handhold communication device in a highway work zone has a mandatory \$250 fine.

§ 46.2-1020 – Fog / Auxiliary Lights – Allowed on road if covered or “(ii) has a clear lens, any reflector in such lighting device is clear, and such lighting device is unlit.”

§ 46.2-1022 - “Law-enforcement vehicles may also be equipped with steady-burning blue or red warning lights of types approved by the Superintendent.”

§ 46.2-1233.1(A) – The fee for towing can’t go above \$150 (previously \$135).

§ 46.2-1012 - “Notwithstanding § 46.2-1002, motorcycles or autocycles may be equipped with standard bulb running lights or light-emitting diode (LED) pods or strips as auxiliary lighting. Such lighting shall be (i) either red or amber in color, (ii) directed toward the ground in such a manner that no part of the beam will strike the level of the surface on which the motorcycle or autocycle stands at a distance of more than 10 feet from the vehicle, and (iii) designed for vehicular use. Such lighting shall not (a) project a beam of light of an intensity greater than 25 candlepower or its equivalent from a single lamp or bulb; (b) be blinking, flashing, oscillating, or rotating; or (c) be attached to the wheels of the motorcycle or autocycle.”

§ 46.2-100 – Military surplus vehicles are multipurpose or tactical vehicles that were manufactured by or under the direction of the United States Armed Forces for off-road use and subsequently authorized for sale to civilians.

§ 46.2-730.1 –

(A) Military surplus vehicles can be licensed/registered once the owner proves she has another vehicle for normal use.

(B) “Military surplus motor vehicles registered with license plates issued under this section shall not be used for general transportation purposes, including, but not limited to, daily travel to and from the owner's place of employment, but shall only be used:

1. For participation in off-road events, on-road club activities, exhibits, tours, parades, and similar events; and

2. On the highways of the Commonwealth for the purpose of selling the vehicle, obtaining repairs or maintenance, transportation to and from events as described in subdivision 1, and occasional pleasure driving not exceeding 125 miles from the address at which the vehicle is stored for use.”

(C) “Any law-enforcement officer shall take possession of the license plates, registration card, and decals, if any, of any vehicle registered with license plates issued under this section when he observes any defect in such vehicle as set forth in § 46.2-1000.”

(D) “Any law-enforcement officer may require any person operating a military surplus motor vehicle registered pursuant to this section to provide, upon request, the address at which the vehicle is stored for use and the destination of such operation.”

~ Violation is a class 4 misdemeanor.

§ 46.2-654.2 - A “fleet logistics provider” can issue temporary plates that last up to 30 days.

“D. The following provisions apply to the use of print-on-demand technology by a fleet logistics provider:

1. A fleet logistics provider obtaining temporary registration pursuant to this section shall be required to purchase only print-on-demand temporary license plates.
2. Every fleet logistics provider that has applied for temporary license plates shall maintain a permanent record of all temporary license plates applied for and any other information pertaining to the receipt of temporary license plates that may be required by the Department.
3. No fleet logistics provider shall request a temporary license plate except on written application through the print-on-demand program.
4. No fleet logistics provider shall permit temporary license plates to be used on any vehicle other than that identified in the application for temporary registration.
5. It shall be unlawful for any fleet logistics provider to make a deliberate misrepresentation on a request for temporary license plates or to knowingly submit a request with false information.
6. Each temporary license plate issued pursuant to this section shall display on its face the name of the party using the print-on-demand system, the date of issuance and expiration, and the make and identification number of the vehicle for which it is issued.
7. The Commissioner may suspend the right of a fleet logistics provider to request temporary license plates if the Commissioner determines that the provisions of this chapter or the directions of the Department are not being complied with by such fleet logistics provider.
8. Every fleet logistics provider to whom temporary license plates have been issued shall destroy such plates on the thirtieth day after request or immediately on receipt of the permanent license plates from the Department or another jurisdiction, whichever occurs first.

9. Temporary license plates shall expire on receipt of the permanent license plates from the Department or another jurisdiction, or 30 days after issuance, whichever occurs first. No refund or credit of fees paid by a fleet logistics provider to the Department for temporary license plates shall be issued.

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F. Any person violating any of the provisions of subsection D of this section is guilty of a Class 1 misdemeanor.”

ET CETERA

-----[DRONES]-----

“§ 18.2-121.3. Trespass with an unmanned aircraft system; penalty.

A. Any person who knowingly and intentionally causes an unmanned aircraft system to enter the property of another and come within 50 feet of a dwelling house (i) to coerce, intimidate, or harass another person or (ii) after having been given actual notice to desist, for any other reason, is guilty of a Class 1 misdemeanor.

B. This section shall not apply to any person who causes an unmanned aircraft system to enter the property as set forth in subsection A if (i) consent is given to the entry by any person with legal authority to consent or by any person who is lawfully present on such property or (ii) such person is authorized by federal regulations to operate an unmanned aircraft system and is operating such system in an otherwise lawful manner and consistent with federal regulations.”

“§ 18.2-324.2. Use of unmanned aircraft system for certain purposes; penalty.

A. It is unlawful for any person who is required to register pursuant to § 9.1-901 to use or operate an unmanned aircraft system to knowingly and intentionally (i) follow or contact another person without permission of such person or (ii) capture the images of another person without permission of such person when such images render the person recognizable by his face, likeness, or other distinguishing characteristic.

B. It is unlawful for a respondent of a protective order issued pursuant to § 16.1-279.1 or 19.2-152.10 to knowingly and intentionally use or operate an unmanned aircraft system

to follow, contact, or capture images of the petitioner of the protective order or any other individual named in the protective order.

C. A violation of this section is a Class 1 misdemeanor.”

§ 15.2-2286(A)(5) – A second 10 day violation of a zoning violation is a “misdemeanor” punishable by up to \$2,000. (first 10 day violation is up to \$1,500)

§ 2.2-3110(A)(11) – Exception to Conflict of Laws Statutes (Class 1 or 3 misdemeanor) “Contracts entered into by an officer or immediate family member of an officer of the Marine Resources Commission for goods or services for shellfish replenishment, provided that such officer or immediate family member does not participate in (i) awarding the contract, (ii) authorizing the procurement, or (iii) authorizing the use of alternate procurement methods pursuant to § 28.2-550.”

§ 18.2-460 (E) - “Any person who intentionally prevents or attempts to prevent a law-enforcement officer from lawfully arresting him, with or without a warrant, is guilty of a Class 1 misdemeanor. For purposes of this subsection, intentionally preventing or attempting to prevent a lawful arrest means fleeing from a law-enforcement officer when (i) the officer applies physical force to the person, or (ii) the officer communicates to the person that he is under arrest and (a) the officer has the legal authority and the immediate physical ability to place the person under arrest, and (b) a reasonable person who receives such communication knows or should know that he is not free to leave.”
§ 18.2-479.1 – Statute eliminated.

-----[ANIMALS]-----

§ 3.2-6500 – Abandoning an animal is failure to care for it 4 days (previously was 5).

§ 3.2-6504 – Abandoning an animal is a class 1 misdemeanor (previously class 3).

§ 18.2-403.1(5) – Abandoning an animal is a class 1 misdemeanor.

“**§ 3.2-6509.1**. Disclosure of animal bite history; penalties.

A. Any custodian of a releasing agency, animal control officer, law-enforcement officer, or humane investigator, upon taking custody of any dog or cat in the course of his official duties, shall ask and document whether, if known, the dog or cat has bitten a person or other animal and the circumstances and date of such bite. Any custodian of a

releasing agency, animal control officer, law-enforcement officer, or humane investigator, upon release of a dog or cat for (i) adoption, (ii) return to a rightful owner, or (iii) transfer to another agency, shall disclose, if known, that the dog or cat has bitten a person or other animal and the circumstances and date of such bite.

B. Violation of this section is a Class 3 misdemeanor.”

-----[HUNTING / FISHING]-----

§ 29.1-521(A)(1) - Removed the restriction that only allowed the hunting of raccoons between midnight and 2 a.m. on Sundays (can now be hunted all day Sunday).

§ 29.1-516.1

~ Adds turkey to the wounded/dead animals a hunter can track down with a leashed tracking dog.

~ Adds “A licensed hunter who is engaged in such tracking may have in his possession a weapon permitted under this title and may use such weapon to humanely kill the wounded bear, deer, or turkey being tracked, including after legal shooting hours. Such weapon shall not be used to hunt, wound, or kill any animal other than the animal that the hunter is tracking, except in self-defense.”

(violations are a class 2 misdemeanor per 29.1-546)

§ 29.1-530.1 - Must wear SOLID blaze orange or SOLID blaze pink while hunting or if in a blind must have a 100" solid blaze orange or pink cloth visible from 360 degrees on or above the blind. (\$25 fine)

§ 29.1-528.2 – Disabled people are excused from local ordinances requiring hunting blinds to be elevated.

§ 28.2-706 - Removed the part that made it illegal to "Possess hard crabs while having a crab scrape on board."

§ 18.2-285 - Class 1 felony to hunt with an arrowgun while intoxicated.

§ 18.2-286 – Shooting an arrowgun across a road or within the right of way is a class 4 misdemeanor.

§ 29.1-306 – A person with medical proof that he can't draw a bow or crossbow can get a hunting license for an arrowgun.

§ 29.1-307 – A person can get a license to hunt with an arrowgun during muzzleloading season.

§ 29.1-525 – Arrowguns cannot be used in spotlighting. Class 2 misdemeanor.

§ 29.1-549 – Arrowguns cannot be used to hunt from watercraft. Class 4 misdemeanor.