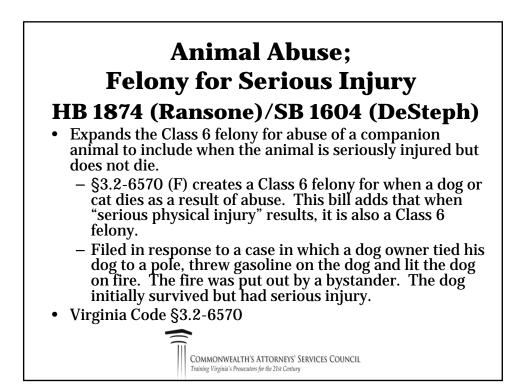


Nuisance Species; Shooting from Vehicle

HB 1696 (Farris)

- Authorizes the killing of a nuisance species on private property by the owner (or designee) from a stationary vehicle.
- "Nuisance species" as defined in § 29.1-100 includes several kinds of birds, coyotes, feral swine, etc.
- Virginia Code § 29.1-521(6)



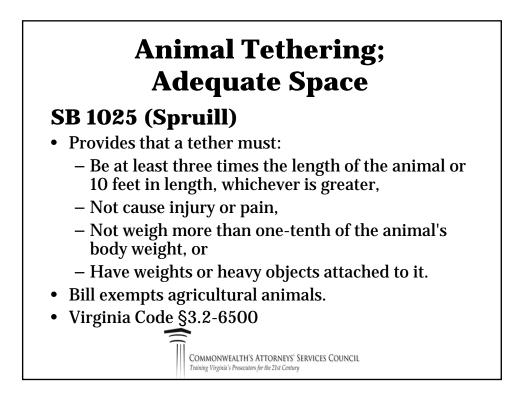


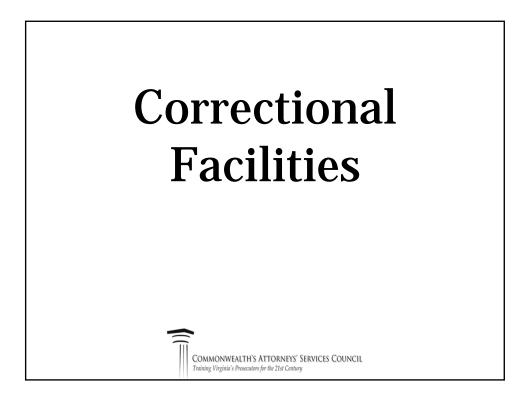
Dangerous Dog; Deferred Finding

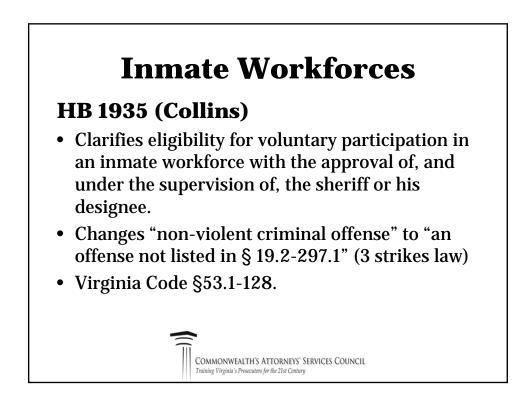
HB 2745 (Hope)

- Authorizes a court to defer proceedings in the adjudication of an animal as a dangerous dog.
- Requires the court to place conditions upon the owner of the animal, the violation of which shall authorize the court to proceed as it otherwise would have.
- Upon the fulfillment of the conditions, the court shall dismiss the proceedings against the animal and the owner.
- Virginia Code §3.2-6540







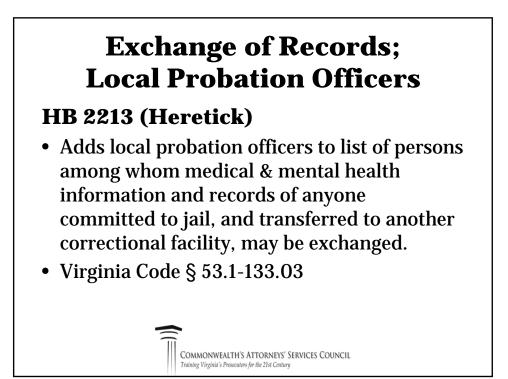


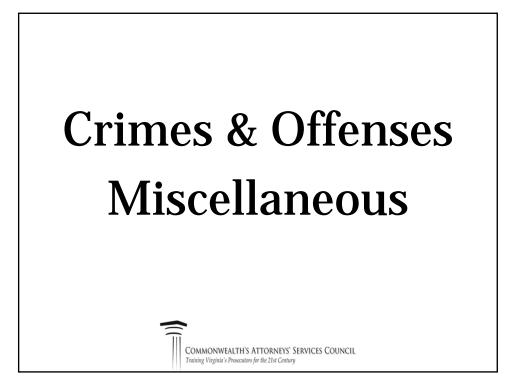
Restraint of Pregnant Offenders

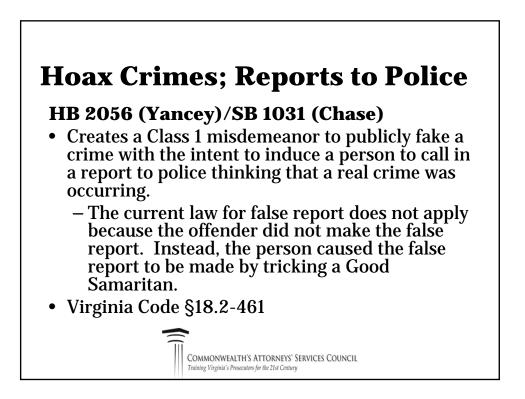
SB 1772 (Saslaw)

- Requires the Board of Corrections to review standards for allowable restraint practices for pregnant inmates to ensure:
 - Humane treatment that accounts for specific health needs, and
 - Provides adequate safety protection for others.
- Virginia Code Chapter 725









False Caller ID; Spoofing

HB 2170 (Brewer)

- Creates a Class 3 misdemeanor for a 1st offense, and a Class 2 misdemeanor for a 2nd or subsequent offense, when:
 - A person causes a phone to ring and display false caller ID
 - With the intent to defraud, intimidate or harass.
- Intent element designed to avoid criminalizing prank calls and to comply with federal case law and the Federal Truth in Calling Act.
- Does not apply to law enforcement engaged in official duties.
- Virginia Code §18.2-429.1



Failure to Appear; Contempt of Court

HB 2452 (Adams)

- Adds failure to appear as behavior punished as contempt under §18.2-456.
- Requires the Court to specify which subsection in §18.2-456 the person has been punished under.
- Specifies that failure to appear shall not be punished as contempt under §16.1-69.24.
- The purpose of this bill is to create better record keeping to track when a defendant failed to appear.

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- Recommendation of Crime Commission.
- Virginia Code §§16.1-69.24, 18.2-456



HB 2411 (Adams) / SB 1469 (Chafin)

- Creates Class 1 misdemeanor for persons who buy or remove timber and fail to pay the landowner by agreed date or, if no agreed date, within 60 days.
- Those convicted must pay 3 times the value of the timber.
- It can be a Class 3 misdemeanor for a timber buyer to fail to provide an accounting of each load removed from the property.
- Additional provisions. *See* Virginia Code §55-334.2 & 55-334.3





Threats to Healthcare Worker

SB 1395 (Howell)

- Class 1 misdemeanor to orally threaten to kill or injure health care worker engaged in their duties.
- Exception for patients who are at medical facility under an ECO, involuntary TDO, or involuntary hospitalization order.
- Virginia Code § 18.2-60



Permissible Fireworks; Definition

SB 1625 (McPike)

Changes definition of permissible fireworks to:

- Fountains that do not emit more than 16.4 feet;
- Wheels that do not emit more than 39 inches;
- Crackling devices/flashers/strobes that do not emit more than 78.74 inches;
- Sparkling devices that do not 1) explode, 2) travel under their own power, 3) produce a projectile, 4) produce a flame more than 20", 5) reload, 6) have a specified fuse.
- Va. Code § 27-95

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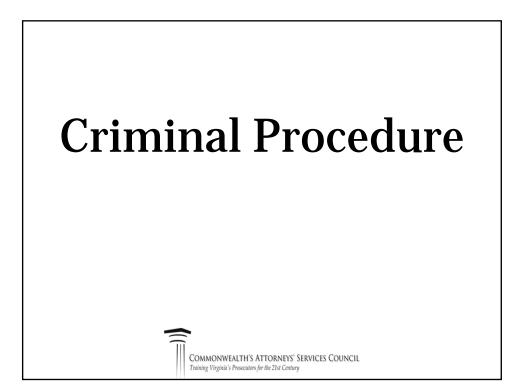
Illegal Gambling; Definition

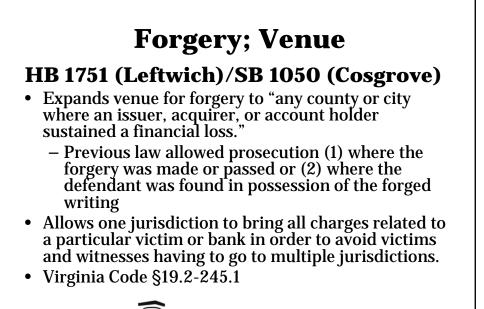
SB 1738 (Reeves)

Modifies definition of gambling to make it easier to prosecute those participating in "sham sweepstakes".

- "Sham sweepstakes" are when a business allows a customer to purchase something of value and, in exchange, the customer has a right to use the establishment's gaming machines.
 - Examples: Selling "vaping session" in exchange for using gambling machine; selling phone cards in exchange for use of gaming machine.
- Old definition did not address current technology or gaming machine practices.
- Virginia Code §18.2-325(1)

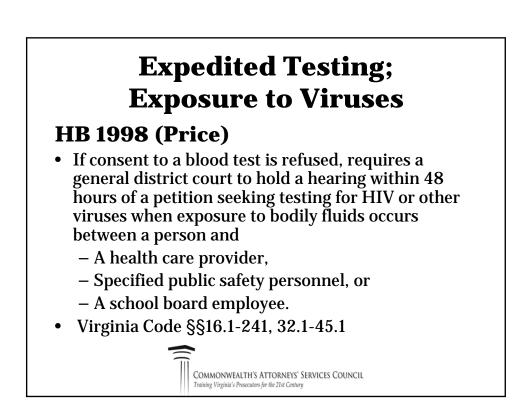






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Bail; Court's Authority to Hear

HB 2320 (VanValkenburg)

- Addresses mechanics and weight of decisions of bail rulings on appeal:
 - Higher court that makes decision on appeal shall remand the case to the court where the case is pending for enforcement & modification.
 - The lower court is prohibited from changing the higher court's decision unless there is a subsequent change in circumstances.
- Virginia Code §§19.2-124, 19.2-130, 19.2-132



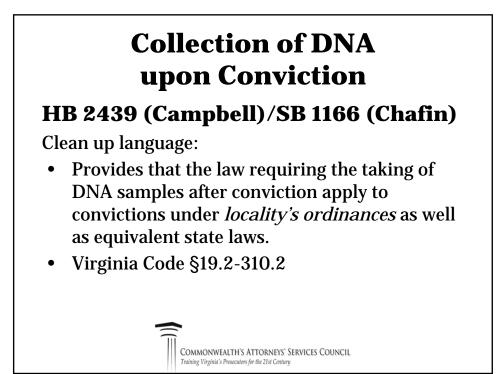


Multi-Jurisdiction Grand Jury

HB 2413 (Adams)

- Requires secrecy from those permitted to take notes or make copies of evidence from Multi-Jurisdictional Grand Jury proceedings.
- Requires CA to provide notice to defendant when MJGJ was used to obtain evidence for prosecution.
- Virginia Code §19.2-215.9



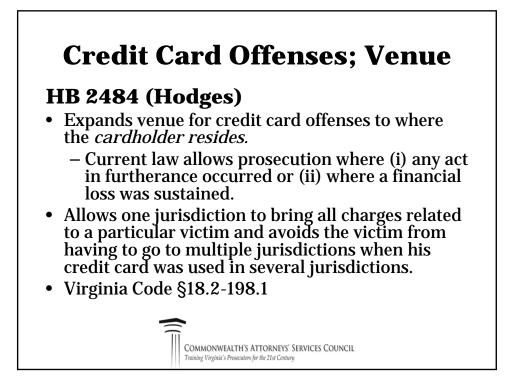


Bail; Magistrate's Checklist

HB 2453 (Adams)

- Requires magistrates to forward to the court the completed checklist used to consider factors for bail.
- This is a standard form provided by the Office of the Executive Secretary at the Supreme Court.
- Some magistrates were forwarding it to the Court but it was not required.
- Jurisdictions who receive these checklists find that they contain valuable information.
- Virginia Code §§19.2-121 & 19.2-149





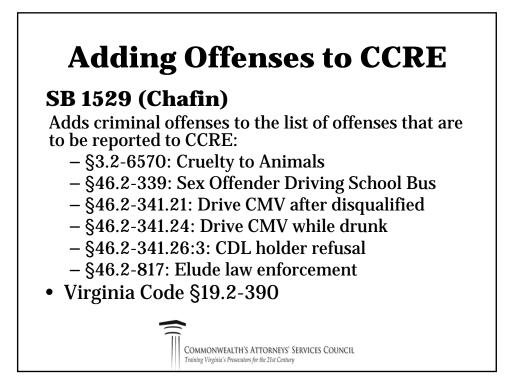
CCRE; Background Checks through Live Scan

HB 2746 (Head)

Requires VSP to accept background check requests through the use of a Live Scan device from any authorized Virginia agency that:

- 1) serves children or the elderly and is authorized to receive criminal histories, or
- 2) uses fingerprint background checks as a condition of employment or service.
- VSP may deny request under certain circumstances.
- Virginia Code 19.2-388.1



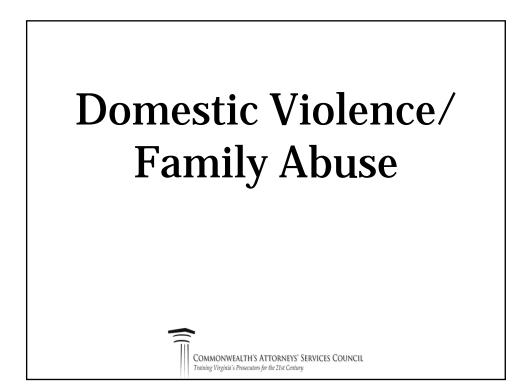


Spoliation of Evidence SB 1619 (Obenshain)

Establishes a duty to preserve evidence that may be relevant to reasonably foreseeable civil litigation.

- If evidence is lost, or otherwise disposed of, the court may order measures necessary to cure prejudice, or if done recklessly or intentionally, the court may 1) presume evidence unfavorable and so instruct the jury, 2) dismiss the action or 3) enter a default judgment.
- This could apply to potential civil lawsuits. For example, in a use of force/unlawful arrest law suit, deleting a body camera video could have serious ramifications.
- Virginia Code § 8.01-379.2:1 (a civil Code section)





PPO's; Full Hearings; Court Closures

HB 1673 (Mullin)

- Allows full hearings on preliminary protective orders to be heard on the next business day if a lawful court closure prevented it from occurring within the required 15 days.
- Arises out of a situation in Hampton Roads during a hurricane shutdown in which preliminary protective orders expired because they were not heard within 15 days.
- Virginia Code §§16.1-253.1, 19.2-152.9.

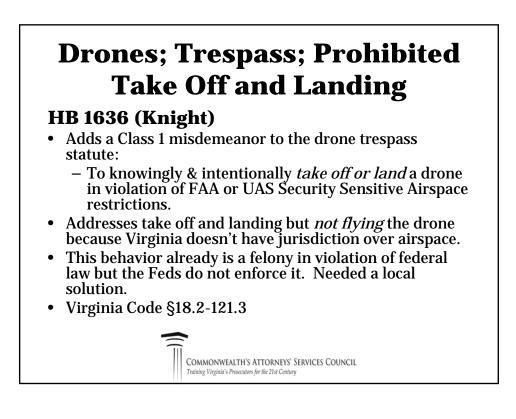


Protective Orders; Contents of PPO's; Appeals SB 1540 (Surovell)

- Provides that if a PPO is issued in an *ex parte* hearing where the petition for the order is supported by sworn testimony (not an affidavit completed by a law-enforcement officer), the court issuing the order shall state in the order the basis on which the order was entered, including a summary of the allegations made and the court's findings.
- Requires that an appeal of a permanent protective order be docketed within 2 business days.
- Virginia Code §§16.2-112, 16.2-253.1, 16.2-296, 19.2-152.9

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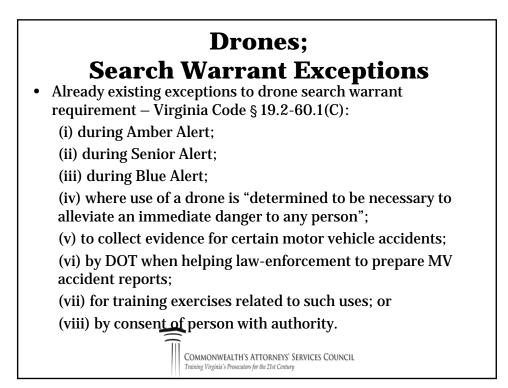


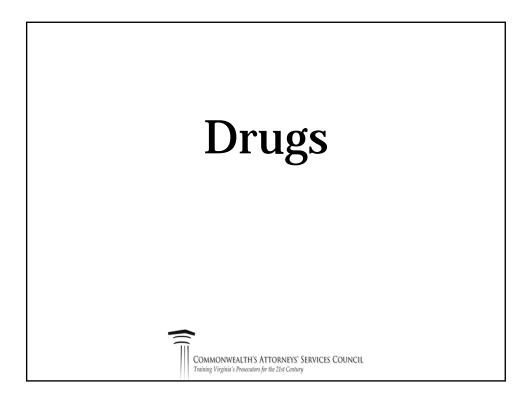
Drones; Persons Sought for Arrest; Hot Pursuit

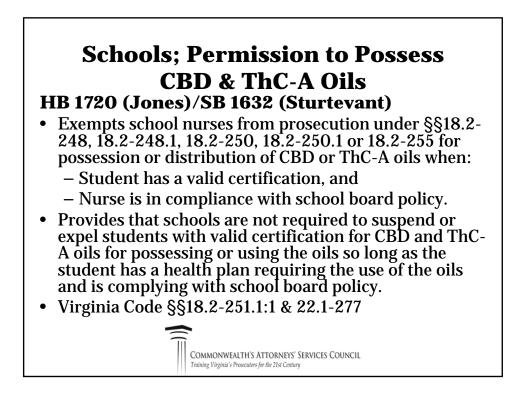
SB 1507 (Carrico)

- Adds exceptions to the requirement that a search warrant be issued before law enforcement may use a drone:
 - When needed to formulate a plan to execute an arrest at the primary residence of someone for whom an arrest warrant or capias has been issued;
 - To find a person who has fled from a lawenforcement and the officer remains in hot pursuit of such person.
- Virginia Code §19.2-60.1(C)







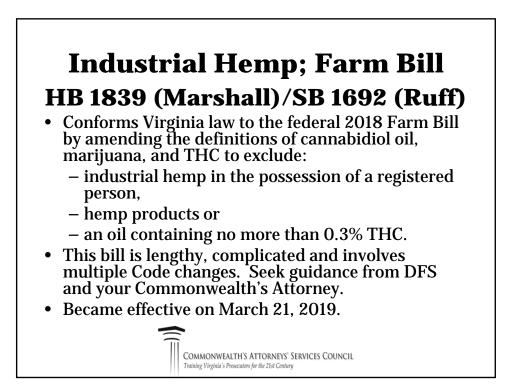


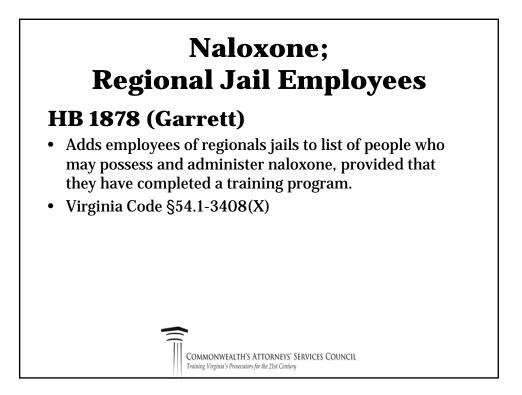
Controlled Substances; Schedule I & II

HB 1803 (Garrett)

- Adds long list of unpronounceable chemicals to Schedule I and Schedule II of the Controlled Substances Act, including various Fentanyl-like compounds and "designer" drugs.
- Virginia Code §§54.1-3446 & 54.1-3448







Huffing; Noxious Chemicals, Add Ingredients HB 2138 (Thomas) Adds "fluorinated hydrocarbons" and "hydrogenated fluorocarbons" to the list of ingredients that can be considered noxious chemicals. Fredericksburg case: Defendant was charged with huffing but was found not guilty because the intoxicating ingredient (fluorinated hydrocarbons) was not on the list of prohibited noxious chemicals. He later was captured on video with 20 cans around him saying that he could not be arrested for huffing this substance because he had already been acquitted. He died later that day. Virginia Code § 18.2-264 (C)

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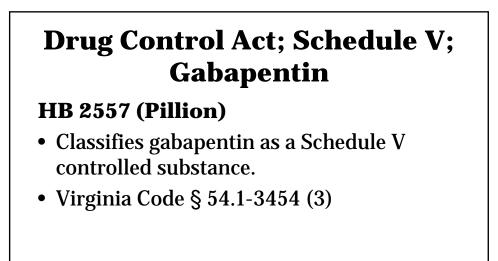
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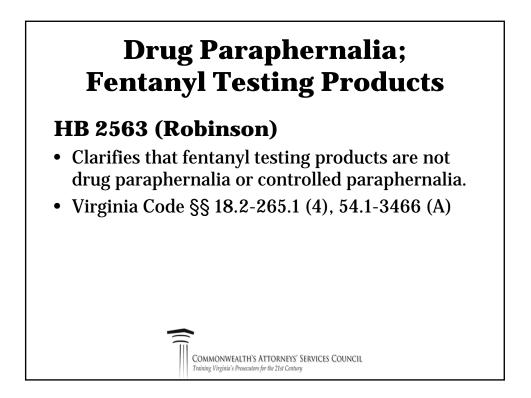
Dispensing Naloxone

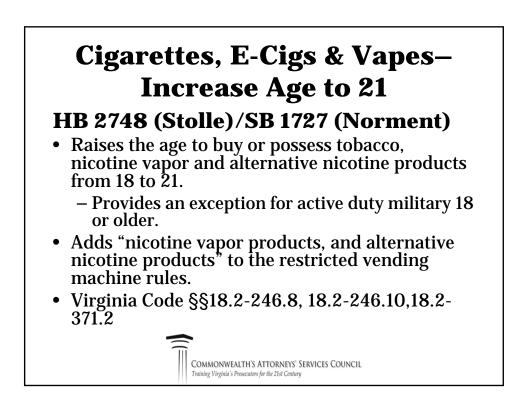
HB 2158 (Plum)

- Expands list of health care providers who can dispense naloxone.
- Establishes requirements for dispensing naloxone in an injectable form with needle or syringe.
- Allows for recovery of actual cost of dispensing naloxone.
- Virginia Code §54.1-3408 (X)(Y)









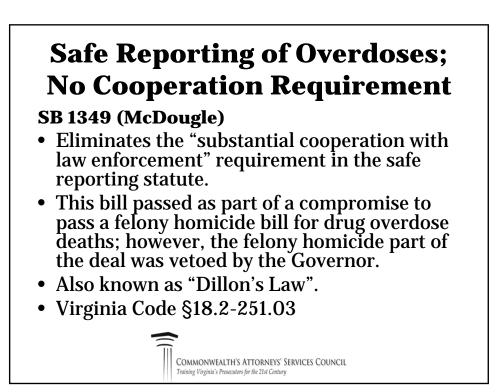
Pharmacy Board; Seizure of Controlled Substances

SB 1289 (Edwards)

- Establishes a process by which the Board of Pharmacy or law enforcement can seize and place under seal controlled substances and prescription devices when registration/license/permit authorizing possession is suspended or revoked.
- Provides procedures for transfer and disposal of such items if subject to forfeiture.
- Reduces from 6 months to 60 days the time required before disposing of unclaimed seized items.
- Virginia Code §§ 54.1-2408.1, 54.1-3424, 54.1-3434.

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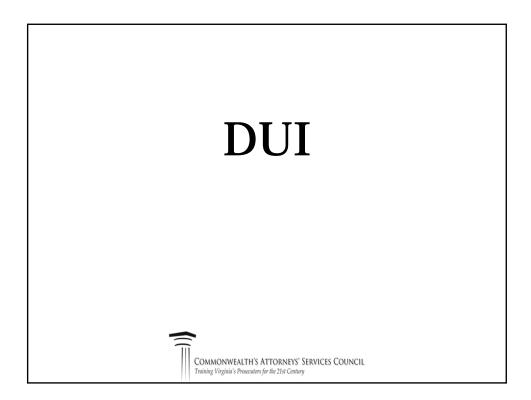


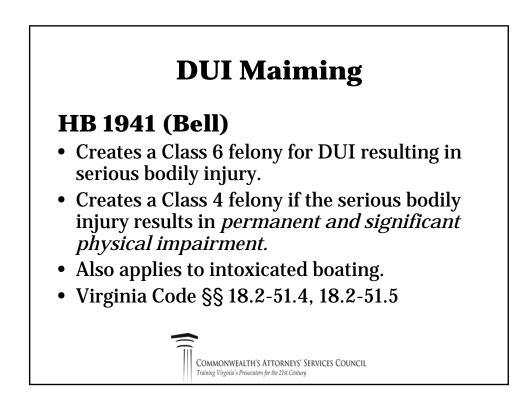
SB 1557 (Dunnavant)

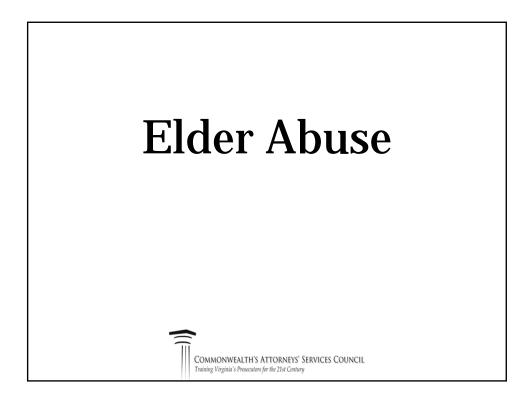
- Authorizes licensed physician's assistants and nurse practitioners to issue written certifications for the use of CBD and ThC-A oils.
- Board of Pharmacy to establish dose limitations.
- Virginia Code §§54.1-3408.3, 54.1-3442.6

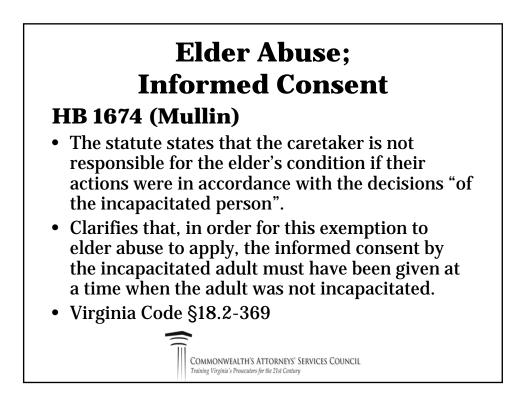












Elder Abuse;

Banks May Refuse Transaction

HB 1987 (Toscano)/SB 1490 (Obenshain)

- Authorizes financial institutions to refuse a transaction when they believe the transaction involves financial exploitation of an aged or incapacitated adult.
- Authorizes staff to report information and records related to an investigation.
- Financial institutions are immune from liability absent gross negligence or willful misconduct.
- Virginia Code §63.2-1606





HB 2225 (O'Quinn)

 Any financial institution staff who suspects that an adult has been financially exploited may report and provide supporting information and records to the local department of social services or the adult protective services hotline.

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• Virginia Code §63.2-1606 (C)

Elder Abuse; Multidisciplinary Teams (MDT)

HB 2560 (Pillion)/SB 1224 (Chafin)

• Authorizes local DSS to foster the creation, maintenance, and coordination of hospital and community-based multidisciplinary teams focused on the abuse, neglect, and exploitation of:

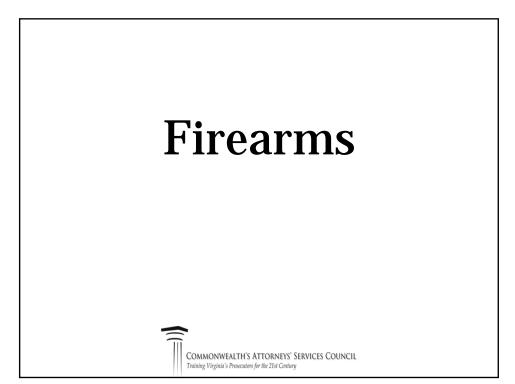
- Adults 60 years of age or older, and

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- Adults 18 years of age or older who are physically or mentally incapacitated.
- Also allows the CA in each jurisdiction to establish a multidisciplinary adult abuse, neglect, and exploitation response team to review cases of abuse, neglect, and exploitation of adults.
- Virginia Code §§2.2-3705.7, 2.2-3711, 15.2-1627.5, 63.2-1605

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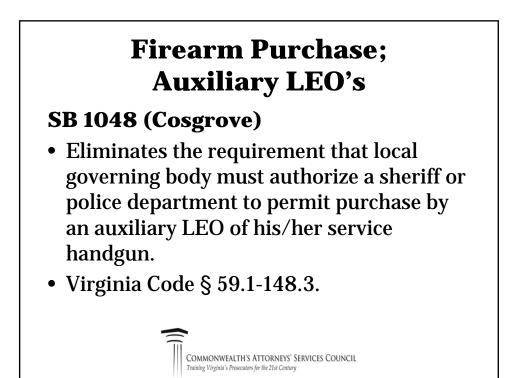


Restoration of Firearm Rights; Report to State Police

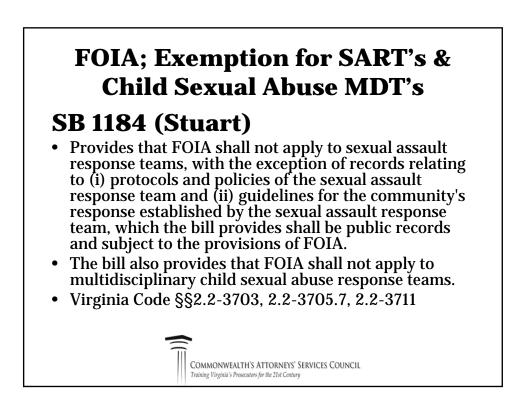
HB 2548 (Rush)

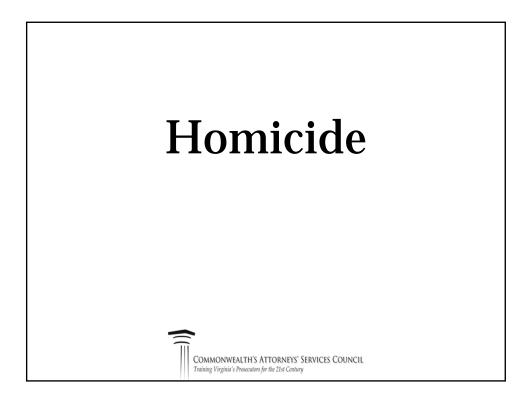
- Requires Circuit Court to forward Court's order granting felons restoration of firearms rights to VSP for inclusion in Central Criminal Records Exchange (CCRE).
- Purpose: To ensure that law enforcement has the information when they encounter people who have had their rights restored.
- Delayed effective date of January 1, 2021.
- Virginia Code §§18.2-308.09, 18.2-308.2

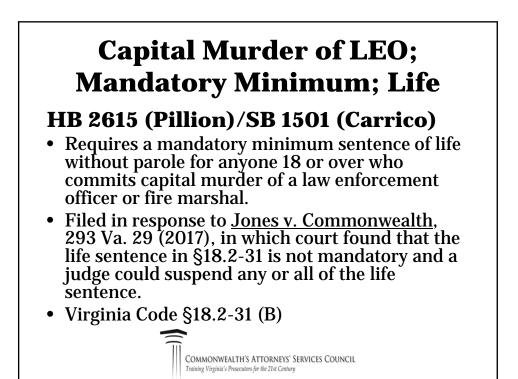


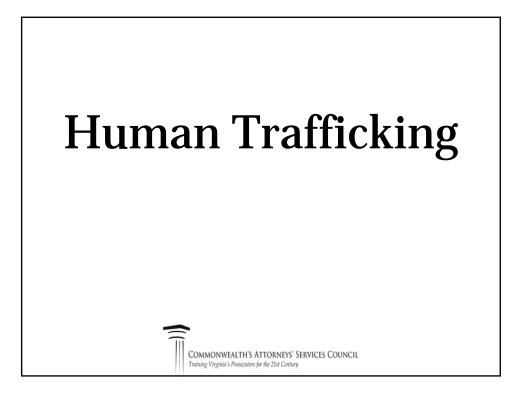












Human Trafficking; Sex Tourism HB 1817 (Delaney) • Creates a Class 1 misdemeanor for a travel agent to promote travel services to someone who intends to engage in 1)

- travel services to someone who intends to engage in 1) prostitution, or 2) sexually violent offenses as defined in subsection \$9.1-902 E(1).
- The law requires that the travel agent know that the purpose of travel is to engage in prostitution or a sexually violent offense as defined in Virginia.
- This law applies when the agent promotes travel services:
 - To engage in prostitution with minor or adult,
 - To engage in sex acts that may be <u>legal</u> in the place where the "John" is traveling,
 - Whether or not the "John" engages in any of the named sex acts.

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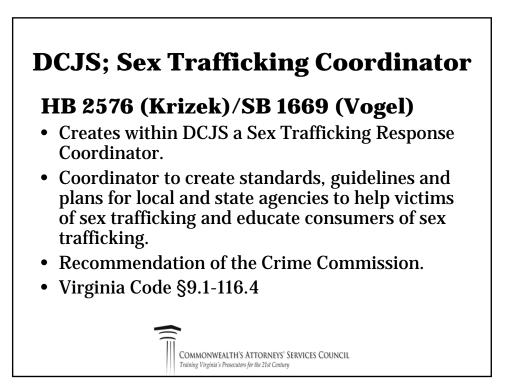
• Virginia Code §18.2-348.1

Testimony by CCTV; Adds Child Sex Trafficking

HB 2464 (Collins)

- Allows a court to order, upon application by the attorney for the Commonwealth or the defendant, that the testimony of a child victim of an offense of commercial sex trafficking or prostitution be taken by two-way closed-circuit television.
- Virginia Code §18.2-67.9

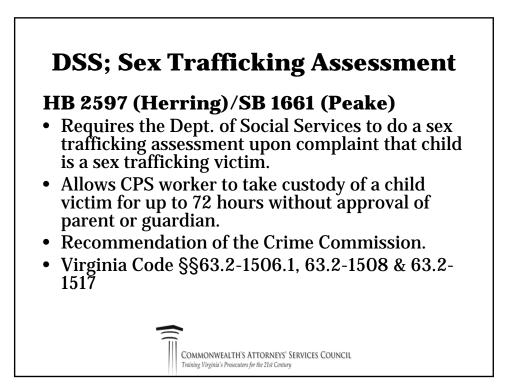


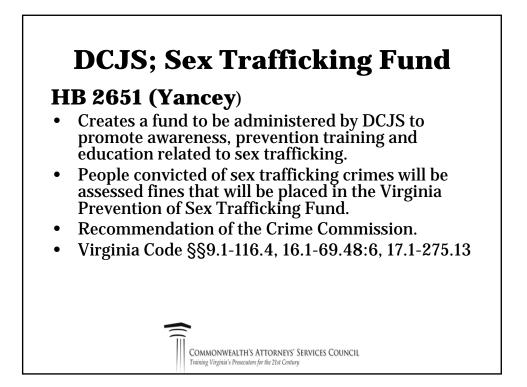


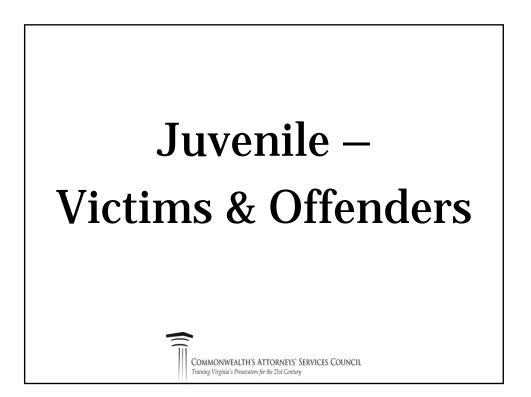
Sex Trafficking; Minors HB 2586 (Bell)

- Creates Class 6 felonies for aiding in, or using vehicle to promote, prostitution with a minor (previously Class 1 misdemeanors).
- Adds these felonies to definitions of 1) violent felony, 2) barrier crimes, 3) predicate acts, 4) racketeering, 5) offenses that can be investigated by multijurisdictional grand jury, 6) offenses for the sex offender registry.
- Each violation of commercial sex trafficking is a separate and distinct felony.
- Virginia Code §§ 9.1-902, 17.1-805, 18.2-46.1, 18.2-347 50, 18.2-357.1, 18.2-513, 19.2-215.1, 19.2-392.02







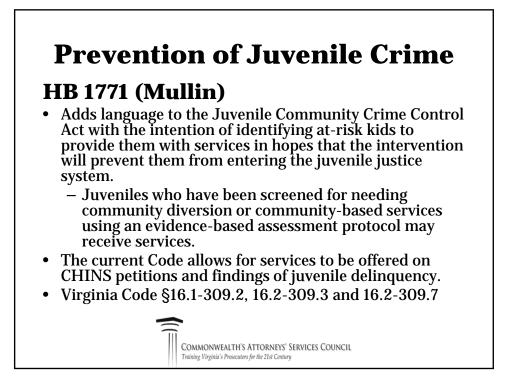


Mandatory Reporters of Child Abuse; Clergy HB 1659 (Delaney)/SB 1257 (Vogel)

• Adds ministers, priests, rabbis and other clergy members to the list of persons who are required to report suspected child abuse or neglect.

- Clergy members will be exempt when:
 - It is required by the doctrine of the religious organization to be kept confidential, or
 - It would be subject to the exemptions set forth in §8.01
 -400 or 19.2-271.3 if offered as evidence in court.
- Virginia Code §63.2-1509.

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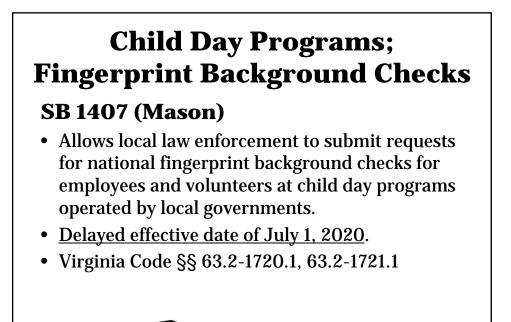


Transfer Venue; Juvenile Cases

HB 2414 (Adams)/SB 1201 (Stuart)

- Allows a juvenile's delinquency case to be transferred to the juvenile's home jurisdiction after a <u>finding of facts sufficient</u> for a finding of delinquency.
- Under current law this may occur only after adjudication.
- This bill is a recommendation of the Committee on District Courts.
- Virginia Code §16.1-243

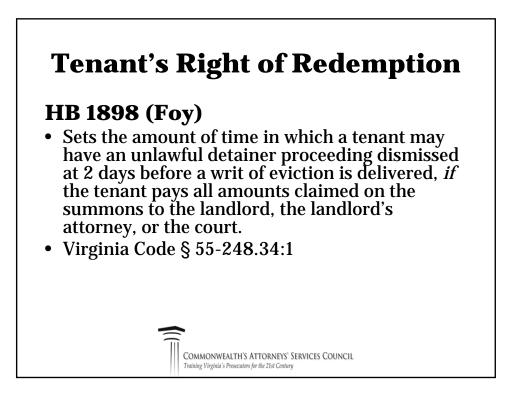


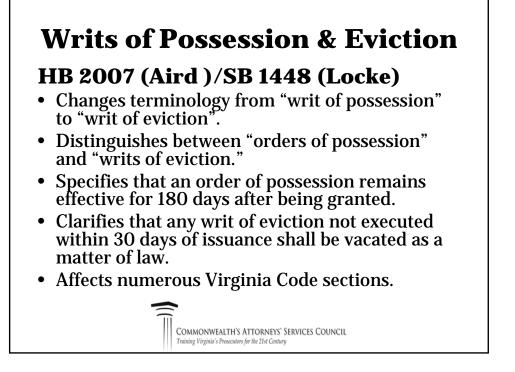


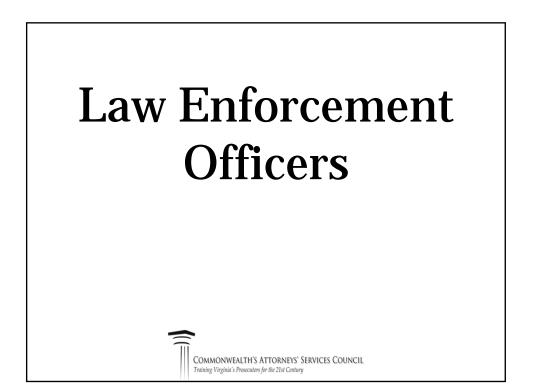
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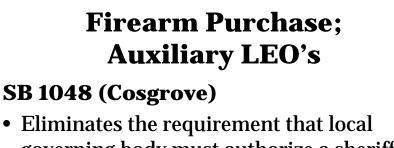


Law-Enforcement Procedural Guarantee Act; Definition; LEO

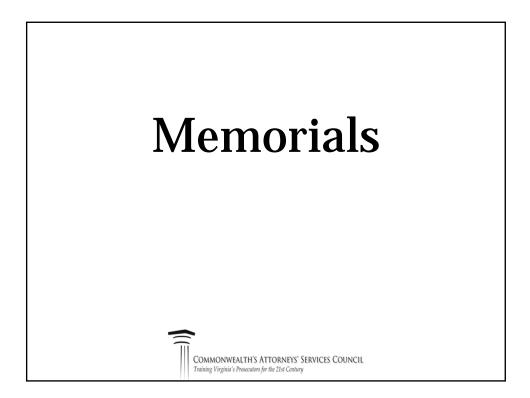
HB 2656 (Collins)

- Amends the definition of "law enforcement officer" under the Law-Enforcement Officers Procedural Guarantee Act.
- Reduces the number of officers that each department, bureau or force is required to have to qualify from 10 to 3.
- Virginia Code § 9.1-500



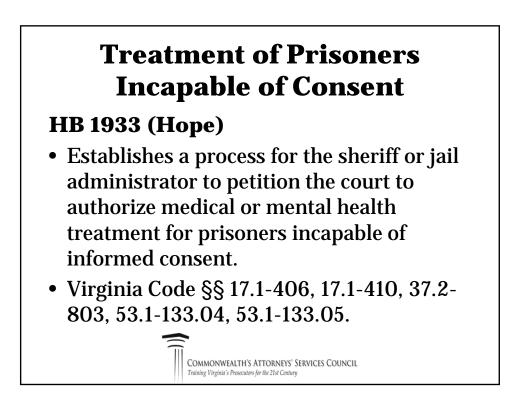


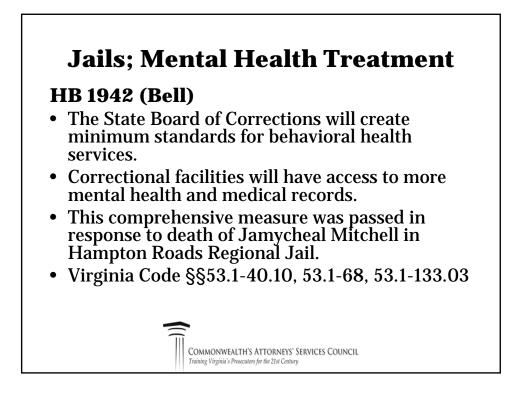
- Eliminates the requirement that local governing body must authorize a sheriff or police department to permit purchase by an auxiliary LEO of his/her service handgun.
- Virginia Code § 59.1-148.3.

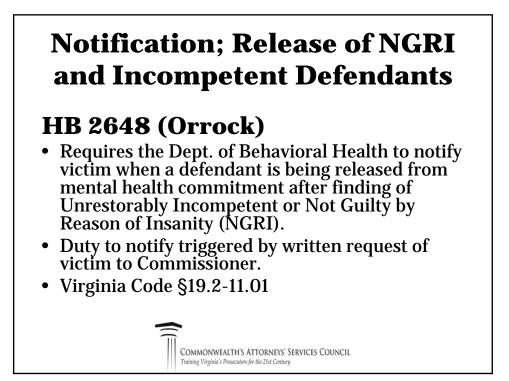










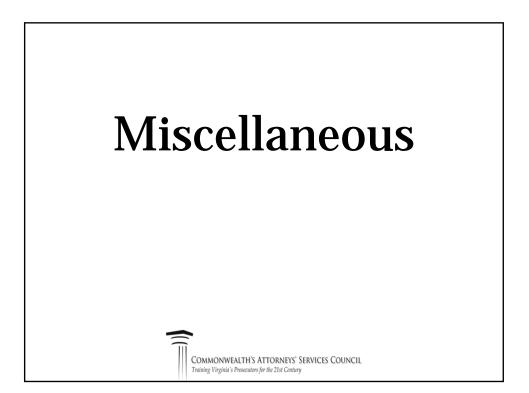


Capital Murder; Unrestorably Incompetent Defendant

SB 1231 (Ebbin)

- Clarifies that the Dept. of Behavioral Health *does not* have the authority to release a capital murder defendant without a court order.
- It extends the time to hold competency review hearings from every 6 months to every year for 5 years, and then biennially thereafter, when there is no change in the competency of the defendant.
- Virginia Code §19.2-169.3 (F)



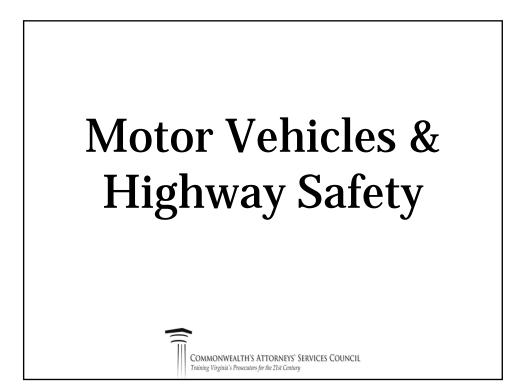


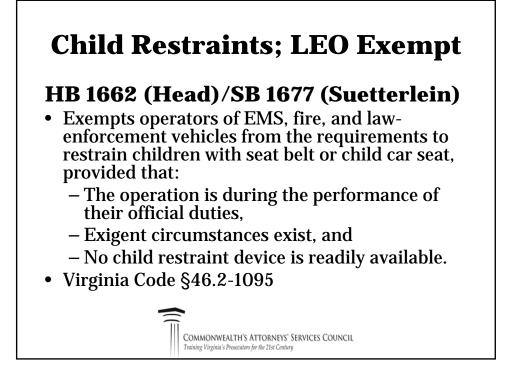
Special ID Cards without Photographs

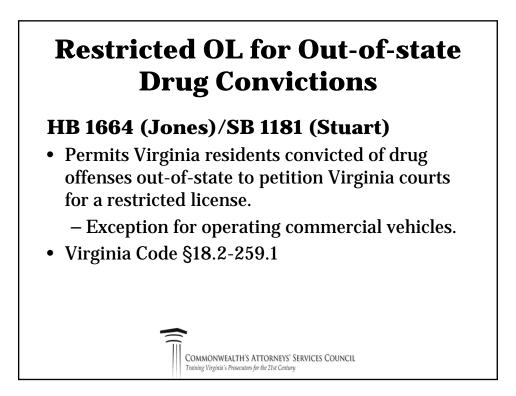
HB 2441 (Wilt)

- Requires DMV to issue an ID card without a photo to a person with a sincerely held religious belief prohibiting the taking of their photograph.
- This special ID must be similar in design to a driver's license, but clearly distinguishable. It must state that:
 - It does not authorize driving.
 - It cannot be used as ID to vote.
 - Federal limits apply.
- Class 2 misdemeanor to commit fraud in applying; Class 4 felony to obtain special ID for purpose of committing a felony.
- Virginia Code §§ 46.2-345, 46.2-345.2

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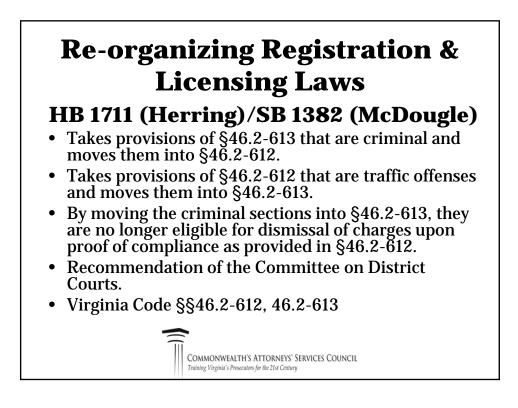
Driving Distance for Testing Certain Vehicles

HB 1677 (Delaney)

• Extends from 5 miles to 10 miles the distance:

- Allowable for using license plates intended for unladen vehicles;
- That a prospective buyer can test drive a vehicle from an auto auction without a safety inspection.
- Virginia Code §§ 46.2-733, 46.2-1158.01



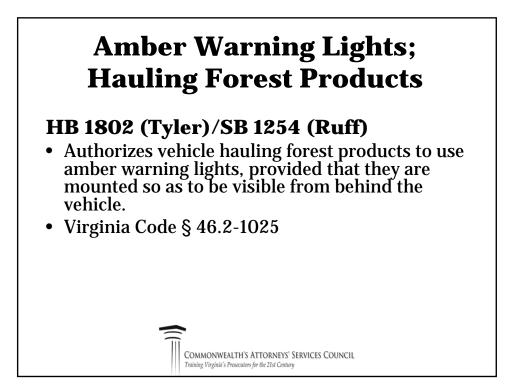


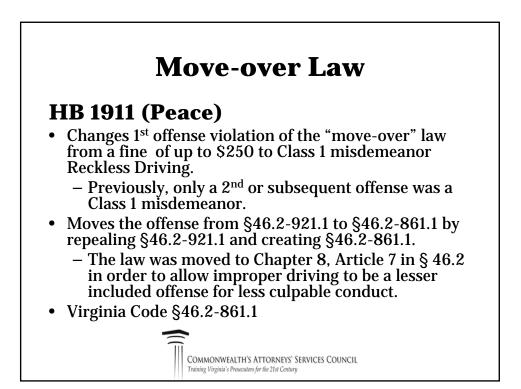
Expired Registration Summons, Dismissal upon Compliance

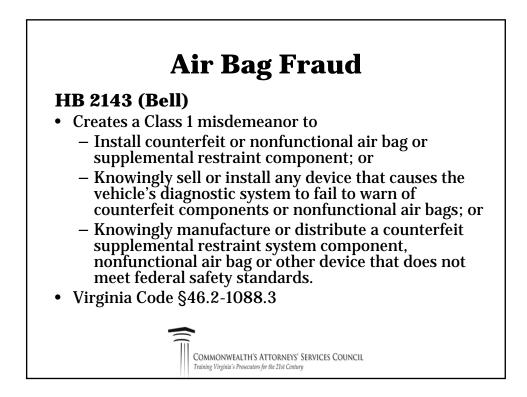
HB 1712 (Herring)/SB 1383 (McDougle)

- Allows dismissal of charges for expired registration under § 46.2-646 when proof of compliance with the section is provided to the court.
- Recommendation of the Committee on District Courts.
- Virginia Code §§16.2-69.48:1, 46.2-646







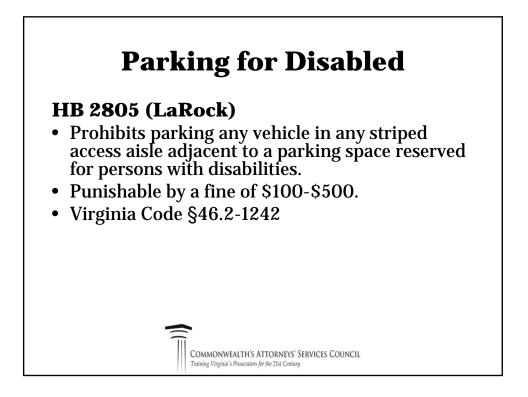


Sheriffs; Vehicle Markings

HB 2585 (Gilbert)

- Requires all marked sheriff vehicles to conspicuously display on each front side door the words:
 - "Sheriff's Office" or "Sheriff", and
 - Name of the city or county.
- Removes the requirements about color, 5-pointed stars and the state seal.
- Virginia Code § 15.2-1610



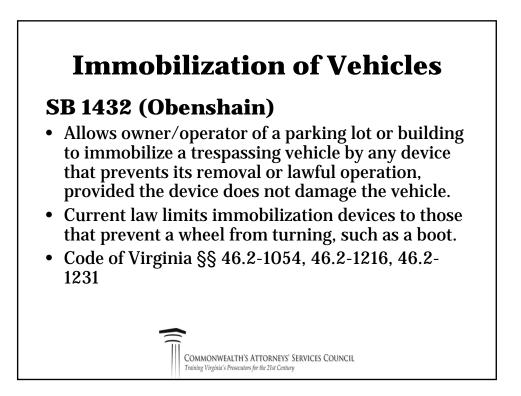


Window Tinting; Canine Handlers

SB 1174 (McPike)

- Exempts from window tinting limitations vehicles operated in the performance of private security duties by a licensed security canine handler.
- Definitions clarified.
- Virginia Code § 46.2-1052

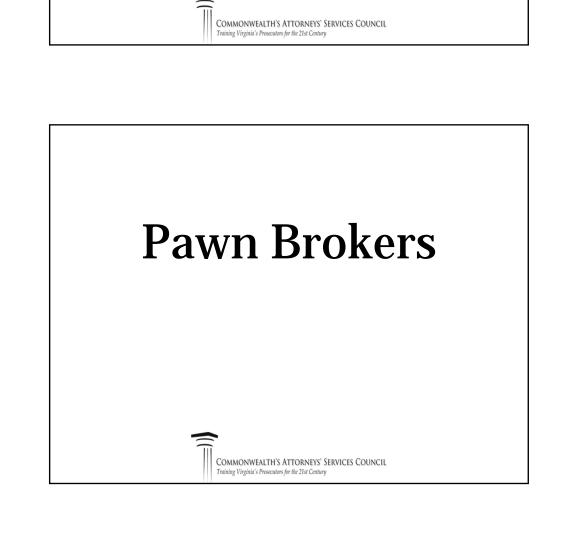




Hands-free Driving; Highway Work Zone

SB 1768 (Mason)

- Prohibits any person from holding a phone or personal communications device in their hand while driving in a highway work zone.
- Imposes a mandatory \$250 fine.
- If not in a highway work zone, a driver can hold the phone in their hand but can't read or write emails or texts, as provided in current law.
- Virginia Code §46.2-1078.1

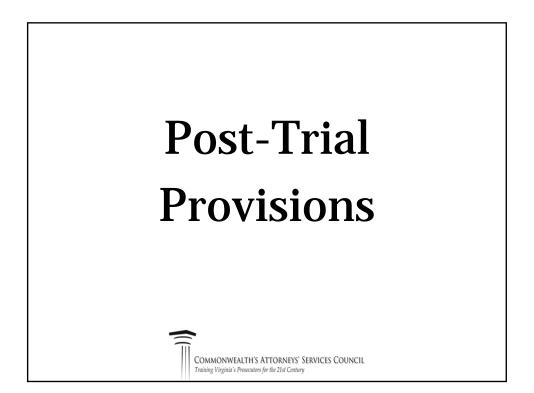


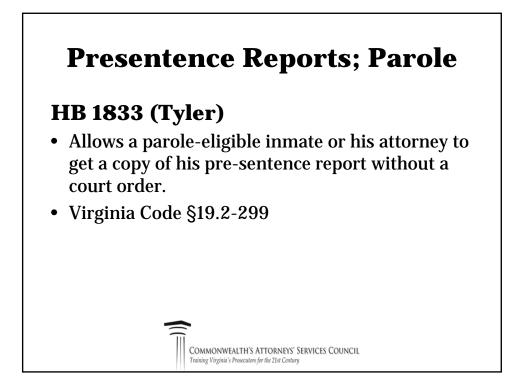
Pawning Goods; Current Government ID Required

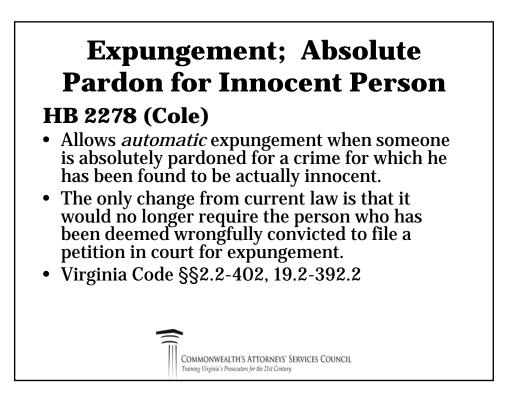
HB 1774 (Mullin)

- Persons pawning, pledging or selling goods or precious metals/gems must present an unexpired government ID card bearing a current legal address.
- If address not current, seller must present other documentation to prove current legal address.
- Virginia Code §§ 54.1-4009, 54.1-4101, 54.1-4102







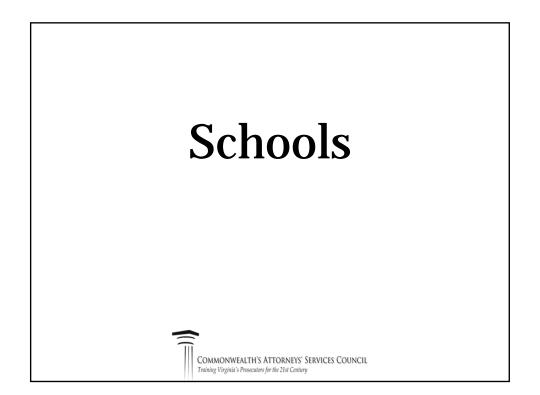


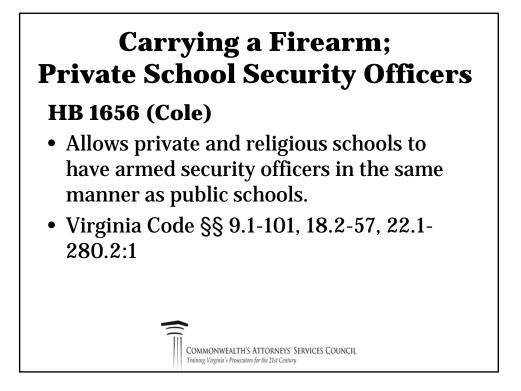
Criminal Injury Compensation Fund (CICF)

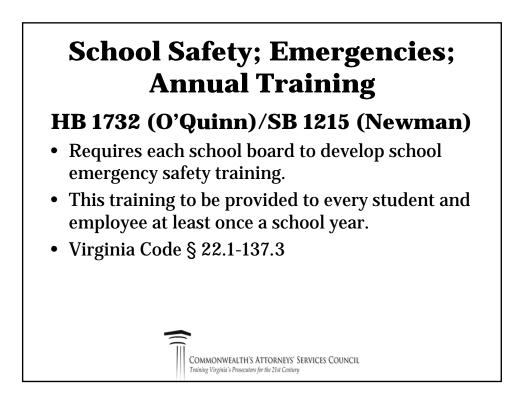
HB 2773 (Bell)

- Removes the current \$600 limit that may be awarded to a crime victim for total loss of earnings resulting from incapacity.
- Increases from \$5,000 to \$10,000 the maximum award from CICF for expenses directly related to funeral or burial costs.
- Increases from \$25,000 to \$35,000 the maximum aggregate award receivable as a result of an injury or death.
- CICF also known as the Virginia Victims' Fund.
- Virginia Code <u>§</u>18.2-254.2









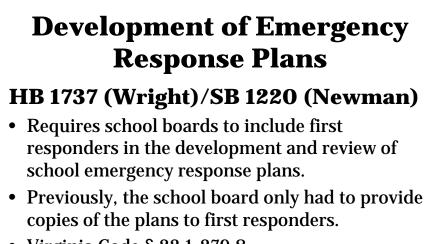
MOU; Schools & Law Enforcement

HB 1733 (Gilbert)/SB 1214 (Newman)

Requires:

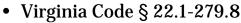
- 1. The Virginia Center for School and Campus Safety to develop a model memorandum of understanding (MOU) for use with local law enforcement, and
- 2. The school board in each school division that has SROs to enter into an MOU based upon the model.
- Must be reviewed at least every 5 years.
- Virginia Code §§9.1-184, 22.1-280.2:3





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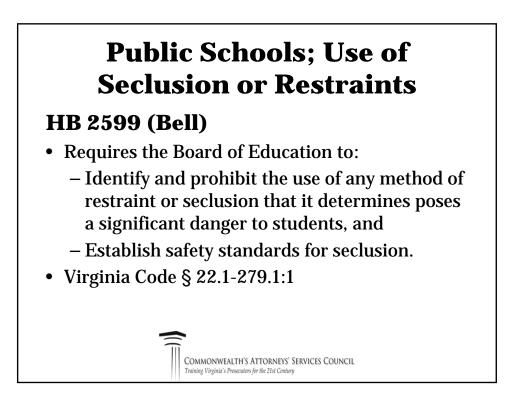


Schools; Protective Orders; Notification

HB 1997 (Price)

- Requires any school principal who is notified of a protective or no-contact order protecting a student to notify certain school personnel that such order has been issued.
- Virginia Code § 22.1-279.3:2





DCJS; Training; SRO'S

HB 2609 (Jones)/SB 1130 (Locke)

- Requires DCJS to establish, and every SRO after 7/1/2020 to comply with, compulsory minimum training standards for SRO's.
- Training must be specific to SRO's and be available across the Commonwealth.
- Each public school must employ at least 1 administrator who has completed school safety training for public school personnel provided that it is available online.
- Virginia Code §§ 9.1-102, 22.1-279.8(E), 9.1-114.1, 9.1-184



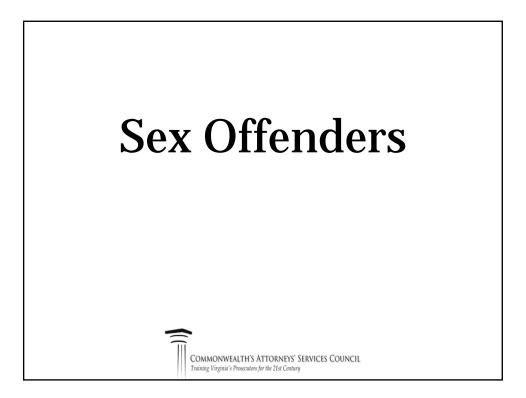
School Security Officers; Prior Employment; Firearms

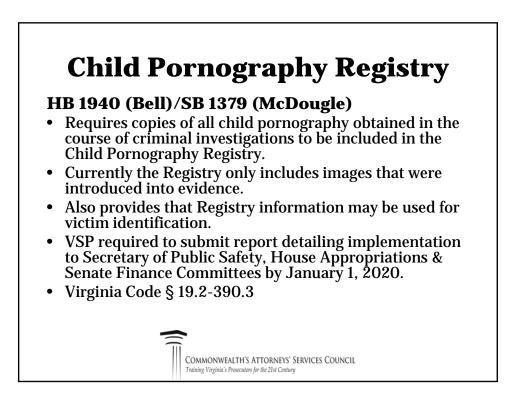
HB 2721 (Freitas)

- Allows a school security officer to carry a firearm if, within 10 years immediately prior to employment, he was employed as an LEO elsewhere in the U.S. with duties substantially similar to those of an LEO in Virginia.
- Previously, only prior Virginia service counted.
- DCJS's obligation to establish minimum training standards for school security officers includes training for former out-of-state LEO's.

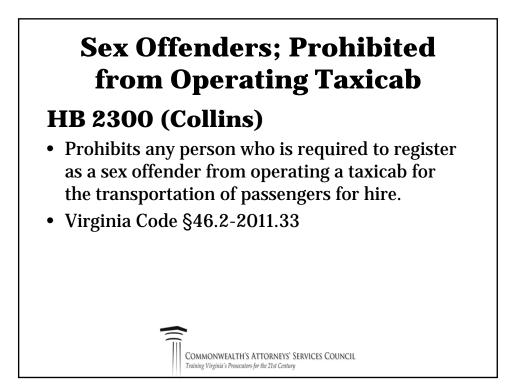
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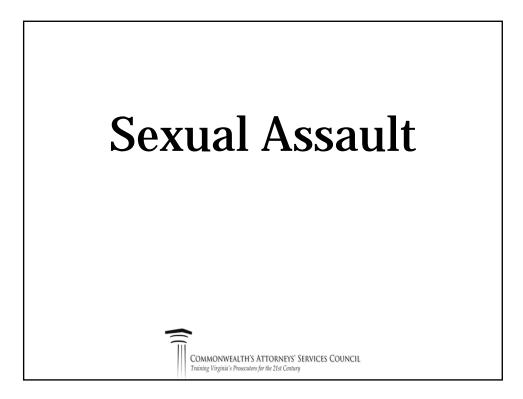
• Virginia Code §§ 9.1-102, 22.1-280.2:1

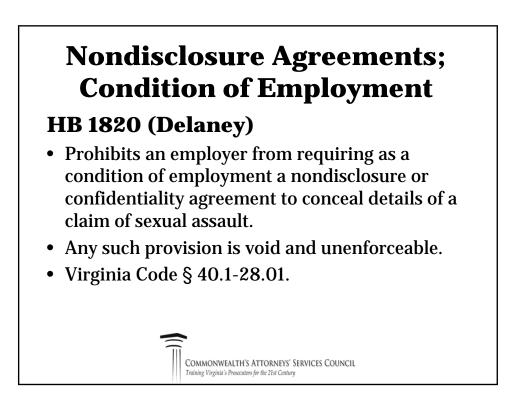










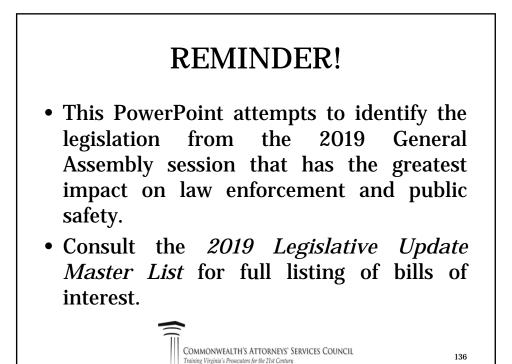


PERK Tracking System

HB 2080 (Watts)

- Provides that DFS shall maintain a statewide electronic tracking system for PERKs.
- DFS shall provide access to the system to health care providers, law enforcement, Division of Consolidated Lab Services and the medical examiner's office.
- The healthcare provider shall inform victim of the PERK ID number and provide victim with information about the PERK tracking system.
- Data from the system is exempt from FOIA.
- Becomes effective July 1, 2020.
- Virginia Code §19.2-11.13





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Many thanks to:	
Lori DiGiosia Chief Deputy Commonwealth's Attorney Stafford County	
Kenneth Adcock Department of Criminal Justice Services	
Lt. Keenon Hook Virginia State Police	
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