

Administration of the Government Generally

Passed

PHB173 Freedom of Information Advisory Council. Removes the sunset of July 1, 2002, thereby making the FOIA Council a permanent legislative agency. This bill is identical to SB 208.

Patron - Woodrum

PHB235 Freedom of Information Act; reports of consultants. Provides for public access to nonexempt portions of reports of a consultant hired by or at the request of a local public body or the mayor, chief executive officer or administrative officer of the local public body where the contents have been distributed or disclosed to members or the public body has scheduled any action on a matter that is the subject to the report.

Patron - Gear

PHB290 Secretary of Transportation. Creates the Intermodal Office within the Office of the Secretary of Transportation.

Patron - McDonnell

PHB309 Private attorney retention sunshine act requiring open negotiation for employment of special counsel. Provides that no state agency or state agent shall enter into a contingency fee contract for legal services if fees and expenses are reasonably expected to exceed \$100,000 unless an open and competitive negotiation process has been previously undertaken in accordance with the Virginia Public Procurement Act.

Patron - Howell

PHB322 Budget; long-term financial plan. Requires the Governor to submit by the first day of each General Assembly Session held in an even-numbered year a long-term financial plan providing a six-year financial outline consisting of (i) the Governor's biennial budget, (ii) estimates of anticipated general and nongeneral fund revenues for each major program for the next four years, and (iii) estimates of general and nongeneral fund appropriations required for each major program for the next four years.

Patron - Callahan

PHB395 Freedom of Information Act; record exemption for zoning complaints. Adds an exemption from the mandatory release provisions of FOIA for the names, addresses and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaint made to a local governing body.

Patron - Lingamfelter

PHB450 Dispute resolution. Creates the Virginia Administrative Dispute Resolution Act, which authorizes public bodies to use dispute resolution proceedings. State agencies are required to adopt policies to address the use of dispute resolution proceedings within the agency and for the agency's programs and operations. Each state agency must designate a dispute resolution coordinator. The bill establishes the Interagency Dispute Resolution Advisory Council as an advisory council to the Secretary of Administration. Confidentiality provisions are established.

Patron - Dillard

PHB507 Risk Management. Requires the Division of Risk Management to provide protection against claims made against chaplains rendering service to inmates or to juveniles in state adult correctional institutions or in juvenile facilities. The bill defines chaplain.

Patron - Drake

PHB519 Department of Information Technology; procurement of information technology and telecommunications goods and services. Transfers the power to procure information technology goods and services of every kind from the Division of Purchases and Supply of the Department of General Services to the Department of Information Technology (DIT) and enables DIT to procure telecommunications goods and services of every kind (i) for its own benefit or on behalf of other state agencies and institutions or (ii) by such other agencies or institutions to the extent authorized by the Department of Information Technology. Procurements made in accordance with this provision must be made in accordance with the regulations specified in § 2.2-1111, unless DIT has adopted alternative regulations governing these procurements. By transferring the power to procure information technology goods and services, this bill moves the requirement that the procurement of computer equipment be based on performance-based specifications from § 2.2-1121 to a new § 2.2-1303.1. Provisions of the bill do not affect any authority delegated to state institutions of higher education in the 2002- 2004 appropriations act to purchase information technology facilities or services.

Patron - Devolites

PHB528 Virginia Research and Technology Advisory Commission; membership. Increases the number of Commission members to 29 by adding the following ex officio members with voting power: The Vice Provosts of Research at the University of Virginia, Virginia Polytechnic Institute and State University, George Mason University, James Madison University, The College of William and Mary, Old Dominion University and Virginia Commonwealth University; The Director of Jefferson Laboratories, the Executive Director of the Naval Surface Warfare Center, Dahlgren Division, and the Director of the NASA Langley Research Center. The bill also reduces the number of Commission members appointed by the legislature and the Governor from 20 to 12.

Patron - Devolites

PHB572 Virginia Information Providers Network Authority; executive director. Changes the term Network Manager to executive director. The Network Manager is employed by the private partner, Virginia Interactive; the executive director is the title of the person who directs the functions of the Authority.

Patron - May

PHB587 Freedom of Information Act; posting of minutes by certain state public bodies. Requires all boards, commissions, councils, and other public bodies created in the executive branch of state government and subject to the provisions of the Freedom of Information Act to post minutes of their meetings on the Internet. Under the bill, draft minutes must be posted within 10 working days of each meeting and final minutes within three working days of final approval of the minutes. The bill is identical to SB 416.

Patron - Lingamfelter

PHB592 Investment of Public Funds Act; corporate notes. Allows state agencies or institutions of the Commonwealth having an internal or external public funds manager with professional investment management capabilities to invest in corporate notes with a duration of more than five

years. The corporate notes are still required to have a rating of at least A by two rating agencies, one of which shall be either Moody's Investors Service, Inc., or Standard and Poors, Inc.

Patron - Reid

PHB593 Investment of Public Funds Act; contracts on debt obligation or investments. Permits the Commonwealth and all agencies, authorities, boards and institutions of the Commonwealth to enter into contracts in connection with debt obligations or investments.

Patron - Reid

PHB618 State-funded buildings and other structures; names. Provides that it is the policy of the Commonwealth that no state-funded institution, building, park, road, bridge or other structure shall be named after a sitting member of the General Assembly. Further, the bill adds a second enactment clause that exempts such structures that are named for members before July 1, 2002, whether or not construction has begun or has been completed.

Patron - Morgan

PHB621 Comprehensive Services for At-Risk Youth and Families. Requires the State Executive Council (SEC) to provide for public participation and comment in developing a dispute resolution procedure and to consult with local governments about state policies governing the use, distribution and monitoring of moneys in the state pool of funds and the state trust fund. The bill clarifies the SEC's role in establishing and overseeing the dispute resolution procedure and requires formal notice, which means the SEC must provide a letter of notification that communicates its formal finding, explains the effect of the finding, and describes the appeal process, to the chief administrative officer of the local government with a copy to the chair of the Community Policy and Management Team (CPMT). The dispute resolution procedure shall also include provisions for remediation by the CPMT, which shall include a submission by the CPMT of a plan of correction to the Council. The bill clarifies that at no time either prior to or during the course of the implementation of the plan of correction shall the SEC deny reimbursement for services rendered and that the denial of state funding shall only be for failure to provide services. Finally, the bill requires the director of the Office of Comprehensive Services for At-Risk Youth and Families to implement, in collaboration with participating state agencies, policies, guidelines and procedures adopted by the SEC and to consult regularly with local government representatives about implementation and operation of the Comprehensive Services Act.

Patron - Morgan

PHB670 Virginia War Memorial Foundation; membership. Allows members of the board of trustees of the Virginia War Memorial Foundation to serve three full terms. Current law allows members to serve two full terms.

Patron - Cox

PHB700 Freedom of Information; exemptions relating to terrorism. Provides a record exemption from the Freedom of Information Act for (i) plans to prevent or respond to terrorist activity, to the extent such records set forth specific tactics, or specific security or emergency procedures, the disclosure of which would jeopardize the safety of governmental personnel or the general public, or the security of any governmental facility, building, structure or information storage system; and (ii) engineering and architectural drawings, operational, procedural, tactical planning or training manuals, or staff meeting minutes or other records, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or opera-

tional and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building or structure or the safety of persons using such facility, building or structure. The bill also expands the open meeting exemption to provide that a public body may convene a closed meeting for the discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members or legal counsel concerning actions taken to respond to such activity or a related threat to public safety. The bill also authorizes the custodian of public records to require a requester of records to provide his name and legal address. The bill contains a technical amendment. This bill is identical to SB 134.

Patron - Jones, S.C.

PHB725 Notice of intended regulatory action; public participation; publication by Registrar. Clarifies steps petitioner must take to perfect a petition for rulemaking and agency responsibilities and provides for publication in the Virginia Register of Regulations.

Patron - Howell

PHB726 Effective date of regulation; public participation. Clarifies agency obligations when a regulation being promulgated in accordance with the Administrative Process Act is withdrawn or suspended.

Patron - Howell

PHB729 Freedom of Information Act; definition of "public body"; application to constitutional officers. Provides that for the purposes of those provisions of FOIA applicable to access to public records, constitutional officers shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records. The bill also eliminates the term "public official" from FOIA. The bill also expand a current record exemption for criminal records to include case files or reports and witness statements. The bill contains technical amendments.

Patron - Woodrum

PHB731 Freedom of Information Act (FOIA); record exemption for certain e-mail addresses. Provides an exemption from the mandatory disclosure requirements of for personal information, including electronic mail addresses furnished to a public body for the purpose of receiving electronic mail from the public body, provided that the electronic mail recipient has requested that the public body not disclose such information. The bill provides that access shall not be denied to the person who is the subject of such record. This bill is identical to SB 308.

Patron - Woodrum

PHB823 Secretary of Technology; security audits; government databases. Requires the Secretary of Technology to develop policies, procedures and standards for conducting audits of government databases and data communications. The Secretary is also required to direct an appropriate entity to conduct periodic audits of all executive branch agencies and institutions of higher education regarding security procedures for protecting government databases and data communications. The designated entity may contract with a private firm or firms in completing this task. All government entities subject to such audits are to fully cooperate with the designated entity. This responsibility was originally given to the Governor; this bill repeals those sections and transfers the responsibility to the Secretary of Technology.

Patron - Nixon

PHB824 Secretary of Technology; powers and duties. Includes enterprise-wide thinking in the duties of the Secretary. In addition to the one-million-dollar minimum on the technology projects that the Secretary must review periodically, this bill adds the requirement that those projects be either mission-critical or of statewide application. This bill also contains limited exemptions for research projects and research initiatives at the institutions of higher education. This bill is a recommendation of the Joint Commission on Technology and Science.

Patron - Nixon

PHB825 Authority to accept payments by commercially acceptable means; service charge; bad check charge. Authorizes all public bodies to accept payments, except those assessed under § 19.2-353.3, by any commercially acceptable means and to levy a service charge in the amount of the lesser of the amount charged to the public body if it incurs a charge for accepting that method of payment or the amount negotiated and agreed to by contract. If a check or other method of payment is returned for insufficient funds, the bill authorizes public bodies to assess a service charge in the amount of the costs assessed to it or \$25, whichever is greater. The bill also provides that that state public bodies must waive additional charges, except for those associated with bounced checks, if the use of this means of payment reduces its processing costs and losses due to bad checks or other receivable costs by an amount equal to or greater than the additional charge.

Patron - Nixon

PHB826 Lobbyist reports. Recognizes the provision in the Uniform Electronic Transactions Act (UETA) that prohibits a signature from being denied legal effect or enforceability solely because it is in electronic form. Present law requires original or electronic signatures by principals and lobbyists on the lobbyist annual disclosure statement. This amendment removes the words "or electronic" because UETA already treats electronic signatures as originals. The format must still be specified by the Secretary of the Commonwealth.

Patron - Nixon

PHB827 Council on Technology Services; membership. Adds the Executive Director of the Virginia Information Providers Network Authority to the list of ex officio members of the Council on Technology Services.

Patron - Nixon

PHB851 Virginia Public Procurement Act; performance and payment bonds. Requires performance or payment bonds on all contracts exceeding \$100,000 for construction projects on public property.

Patron - Albo

PHB897 Virginia Public Building Authority; powers and duties. Adds as a purpose of the Virginia Public Building Authority the financing or refinancing of capital projects that benefit the Commonwealth and any of its agencies, authorities, boards, departments, instrumentalities, institutions, or regional or local authorities. The Authority is also authorized to finance or refinance (i) reimbursements to localities or entities of all or any portion of the Commonwealth's share of the costs for capital projects and (ii) obligations issued by other state and local authorities or political subdivisions where such obligations are secured by a lease or other payment agreement with the Commonwealth. The bill contains an emergency clause.

Patron - Callahan

PHB906 Long-term care insurance; local employees. Directs the Department of Human Resource Management to develop a long-term care insurance program for local employees, local officers, and teachers.

Patron - Athey

PHB910 Advanced Shipbuilding and Carrier Integration Center. Names the carrier integration center the Herbert H. Bateman Advanced Shipbuilding and Carrier Integration Center. The bill also changes the date by which an operations grant for the Center is to be awarded from no later than June 30, 2004, to no later than June 30, 2006. Current law provides that the grant shall be used to establish or operate activities of the Center.

Patron - Oder

PHB912 Sale or lease of surplus property. Requires the Secretary of Natural Resources to issue a written opinion as to whether surplus property being sold is a significant part of the Commonwealth's natural or historic resources.

Patron - Cox

PHB1065 Virginia Arts Foundation; powers. Authorizes the Virginia Arts Foundation to assist not-for-profit arts and cultural institutions and organizations within the Commonwealth in developing strategies for raising funds from non-governmental sources.

Patron - Van Landingham

PHB1066 Property loaned to museums. Establishes a procedure for museums to acquire title to property loaned to the museum on and after July 1, 2002, if, unless otherwise provided by written agreement, more than five years have passed from the receipt by the museum of written communication concerning the loaned property and the lender has not displayed any interest in the property. Loaned property shall be deemed to have been donated to the museum if no action to recover the property is initiated within one year after the museum gave notice of termination of the loan of the property. Museums are required to inform lenders of this provision. Notice of termination of a loan of property may be given at any time if the property was loaned to the museum for an indefinite time. If the property was loaned to the museum for a specified term, the museum may give notice of termination of the loan at any time after the expiration of the specified term. The museum shall mail a notice to the lender at the most recent address. If no address is available, notice shall be published once a week for three weeks. After publishing the required notices, the museum may acquire clear and unrestricted legal title to undocumented property if the museum can verify through written records that it has held such property for five years or longer, during which period no valid claim to the property has been asserted and no person has contacted the museum regarding the property.

Patron - Van Landingham

PHB1067 Conflict of Interests Act; General Assembly members. Provides that a General Assembly member, member-elect, or candidate will file a single statement of economic interests pursuant to the General Assembly Conflict of Interests Act. The Secretary of the Commonwealth may obtain a copy of the statement filed with the Clerk of the House of Delegates or Senate if a member is appointed to a position for which filing a statement is required under the State and Local Government Conflict of Interests Act.

Patron - Van Landingham

PHB1203 Freedom of Information; meetings of board of visitors of the University of Virginia. Extends from July 1, 2002, to July 1, 2004, the authority of the board of visi-

tors of the University of Virginia to conduct meetings via audio/video communication when at least two-thirds of the membership is physically assembled at its regular meeting place and when the customary requirements of public notice, voting and recordation of the meetings are followed.

Patron - Parrish

PHB1214 Centralized Employee Suggestion Award Program. Directs the Department of Human Resource Management to implement a centralized program of financial awards to state employees who propose procedures or ideas to reduce state expenditures or improve operations.

Patron - Louderback

PHB1215 Virginia Public Procurement Act; performance and payment of bonds. Allows public bodies to determine the form and amount of performance bonds for transportation-related projects exceeding \$100,000.

Patron - Oder

PHB1250 Freedom of Information Act; exemptions related to the Public-Private Transportation Act of 1995. Expands the existing records exemption for confidential proprietary records submitted in confidence to an affected local jurisdiction, as that term is defined in the Public-Private Transportation Act of 1995. Currently, this exemption applies only to records submitted to a responsible public entity under the Public-Private Transportation Act of 1995. The bill also provides a corollary exemption from the open meeting provisions for discussions relating to such confidential proprietary records by a responsible public entity or an affected local jurisdiction.

Patron - Watts

PHB1264 Government generally; right to breast-feed. Guarantees a woman the right to breast-feed her child on any property owned, leased or controlled by the State. The bill also stipulates that childbirth and related medical conditions specified in the Virginia Human Rights Act include activities of lactation, including breast-feeding and expression of milk by a mother for her child.

Patron - Baskerville

PHB1284 Capital projects; Virginia Public Building Authority and Virginia College Building Authority. Authorizes the Virginia Public Building Authority and the Virginia College Building Authority to undertake numerous public capital projects throughout the Commonwealth for a principal amount not to exceed \$166,374,000 and \$164,946,996, respectively, and to issue bonds to finance the cost thereof. This bill is identical to SB 673.

Patron - Callahan

PHB1285 Capital improvement plan and budget recommendations. Provides that a capital improvement plan and budget recommendations for capital projects shall be submitted to the General Assembly every two years, in the second fiscal year of each biennium. The capital improvement plan lists projects that the Governor recommends be undertaken in the succeeding six fiscal years. The plan is to be submitted no later than August 15. In each budget bill introduced in a regular session of the General Assembly held in an even-numbered year, the Governor shall provide a biennial appropriation for capital projects in an amount not less than two percent of the projected general fund revenues for the biennium. The source of funding for the proposed capital projects depends on the projected general fund revenue growth for each year of the biennium, and shall include funding from the general fund if a certain level of general fund revenue growth is projected.

The budget bill shall contain appropriations for capital projects that are consistent with those capital projects included in the capital improvement plan for the corresponding fiscal year.

The bill also creates a special fund to be used exclusively to pay for or finance nonrecurring expenses. The fund shall consist of (i) the amount of unobligated and undesignated general fund revenue collections for each fiscal year that are in excess of the projected general fund revenues for such year, and (ii) an amount equal to the projected abnormal growth in the nonwithholding portion of individual income taxes.

The bill also expresses the intent of the General Assembly that certain parks, educational institutions, Virginia College Building Authority and Virginia Public Building Authority capital projects shall be funded with general funds, to the extent practicable. In addition, the bill provides that the Commonwealth may not issue more than \$250 million in annual debt to fund such projects.

Patron - Callahan

PHB1291 Council on Indians. Provides that the Council shall establish criteria for tribal recognition and shall recommend to the General Assembly those tribes that should be recognized by the Commonwealth.

Patron - Morgan

PSB12 Recodification of Titles 2.1 and 9; corrections bill. Makes housekeeping amendments to several sections that were recodified in former Titles 2.1 and 9. These housekeeping amendments correct scrivener and computer errors discovered after passage of the recodification bill in 2001. The bill is a recommendation of the Virginia Code Commission.

Patron - Mims

PSB21 Investment of endowment funds; University of Virginia. Adds endowment income and gifts to those funds that may be invested by the University of Virginia (UVA) Board of Visitors and exempts investment and management of all these funds by the UVA Board of Visitors from the Virginia Procurement Act. This bill is identical to HB 688.

Patron - Stosch

PSB38 Virginia Freedom of Information Act (FOIA); electronic communication meetings. Extends the exemption of certain public bodies from the FOIA's electronic communication meeting restrictions from July 1, 2002, to July 1, 2004. The exempted entities are (i) any public body (a) in the legislative branch of state government or (b) responsible to or under the supervision, direction, or control of the Secretary of Commerce and Trade or the Secretary of Technology or (ii) the State Board for Community Colleges. The bill also extends from April 15, 2001, to April 15, 2003, the filing date for submitting a report detailing their experience with meetings held under this pilot program.

Patron - Newman

PSB134 Freedom of Information; exemptions relating to terrorism. Provides a record exemption from the Freedom of Information Act for (i) plans to prevent or respond to terrorist activity, to the extent such records set forth specific tactics, or specific security or emergency procedures, the disclosure of which would jeopardize the safety of governmental personnel or the general public, or the security of any governmental facility, building, structure, or information storage systems; and (ii) engineering and architectural drawings, operational, procedural, tactical planning or training manuals, or staff meeting minutes or other records, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental

facility, building or structure or the safety of persons using such facility, building, structure, or information storage systems. The bill also expands the open meeting exemption to provide that a public body may convene a closed meeting for the discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members or legal counsel concerning actions taken to respond to such activity or a related threat to public safety. The bill also authorizes the custodian of public records to require a requester of records for his name and legal address. The bill contains a technical amendment. This bill is identical to HB 700.

Patron - Stolle

PSB186 Investment of Public Funds Act; corporate notes. Allows state agencies or institutions of the Commonwealth having an internal or external public funds manager with professional investment management capabilities to invest in corporate notes with a duration of more than five years. The corporate notes are still required to have a rating of at least A by two rating agencies, one of which shall be either Moody's Investors Service, Inc., or Standard and Poors, Inc.

Patron - Stosch

PSB206 Virginia Freedom of Information Act. Amends provisions relating to the exemption of records and discussions of the Virginia Retirement System (VRS) and local government investment transactions from disclosure under the Freedom of Information Act (FOIA) and adds records and discussion of the Rector and Visitors of the University of Virginia when managing endowment funds of the University. Under the bill, the record and open meeting exemptions may operate when there are confidential analyses prepared by the VRS, local retirement system, or the UVA Rector and Visitors or provided to those entities under a promise of confidentiality and the disclosure of such analyses would have an adverse effect on the value of the investment.

Patron - Houck

PSB208 Freedom of Information Advisory Council. Removes the sunset of July 1, 2002, thereby making the FOIA Council a permanent legislative agency. This bill is identical to HB 173.

Patron - Houck

PSB247 Cooperative Marketing Fund. Provides for the eligibility of proposals for matching funds if the proposals benefit locations or destinations within the territorial limits of the Commonwealth or in both the Commonwealth and an adjoining state. The bill also provides that funds made available shall be administered by the Virginia Tourism Authority. Currently such funds must be administered by such Authority in accordance with a formula in the appropriations act.

Patron - Puckett

PSB250 Virginia Public Building Authority; powers and duties. Adds as a purpose of the Virginia Public Building Authority the financing or refinancing of grants by the Commonwealth or the undertaking of capital projects that benefit the Commonwealth. The Authority is also authorized to finance or refinance (i) reimbursements to localities or entities of all or any portion of the Commonwealth's share of the costs for capital projects and (ii) obligations issued by other state and local authorities or political subdivisions where such obligations are secured by a lease or other payment agreement with the Commonwealth. In addition, the bill empowers the Authority to lease property to entities providing a governmental service or benefit to the Commonwealth and enter into contractual agreements with localities and regional jail authorities under-

taking capital projects that benefit the Commonwealth. The bill contains an emergency clause.

Patron - Chichester

PSB308 Freedom of Information Act (FOIA); record exemption for certain e-mail addresses. Provides an exemption from the mandatory disclosure requirements of FOIA for personal information, including electronic mail addresses furnished to a public body for the purpose of receiving electronic mail from the public body, provided that the electronic mail recipient has requested that the public body not disclose such information. The bill provides that access shall not be denied to the person who is the subject of such record. This bill is identical to HB 731.

Patron - Edwards

PSB310 Hearing officers. Clarifies that the Executive Secretary of the Supreme Court is authorized to limit, reduce or increase the number of individuals on the list of hearing officers approved to preside over administrative hearings.

Patron - Edwards

PSB322 Virginia Military Advisory Council. Reestablishes the Virginia Military Advisory Council to maintain a cooperative and constructive relationship between the Commonwealth and Armed Forces of the United States and the military commanders stationed in Virginia, and to encourage regular communication on continued military facility viability, the exploration of privatization opportunities and issues affecting preparedness, public safety and security. The original Council statutes were repealed in 2001.

Patron - Stolle

PSB337 Joint Commission on Administrative Rules. Establishes the Joint Commission on Administrative Rules to review existing agency rules or regulations and agency rules or regulations during the promulgation or final adoption process. The Commission shall consist of five members of the Senate and seven members of the House of Delegates and has the power and duty to (i) review proposed rules and regulations of any agency during the promulgation or final adoption process and determine whether or not the rule or regulation is authorized by statute and complies with legislative intent; (ii) review the impact of the rule or regulation on the economy, protection of the Commonwealth's natural resources pursuant to Article XI, Section 1 of the Constitution of Virginia, government operations of the State and localities, and affected persons; (iii) file with the Registrar and the agency promulgating the regulation an objection to a proposed or final adopted regulation; (iv) suspend the effective date of any portion or all of a final regulation with the concurrence of the Governor until the end of the next legislative session; (v) make recommendations to the Governor and General Assembly for action based on its review of any proposed rule or regulation; and (vi) review any existing agency rule, regulation, practice or the failure of an agency to adopt a rule and recommend to the Governor and the General Assembly that a rule be modified, repealed or adopted.

Patron - Wagner

PSB344 Budget; long-term financial plan. Requires the Governor to submit in each even-numbered year a long-term financial plan providing a financial outline consisting of (i) the Governor's biennial budget, (ii) anticipated general fund revenue, and (iii) anticipated revenues for each of the major nongeneral funds.

Patron - Chichester

PSB362 Virginia War Memorial Foundation; possession of certain military medals. Authorizes the Virginia

War Memorial Foundation to take possession of any military medals, ribbons or certificates authorized to be worn by the United States Department of Defense that come into the possession of the Commonwealth and for which the ownership is unknown until such time as the true owner is able to take possession. The Foundation is directed to take reasonable efforts based on available resources to determine the true owner and return the medal, ribbon or certificate to that owner.

Patron - Blevins

PSB379 Department of General Services; purchase of light fixtures. Requires the Division of Purchases and Supply within the Department of General Services to adopt regulations (i) requiring state public bodies to procure only shielded outdoor light fixtures, and (ii) providing for the Division to grant waivers from the requirement when a bona fide operational temporary, safety or specific aesthetic need is indicated or that such fixtures are not cost effective over the life cycle of the fixture. The requirements do not apply to the procurement of outdoor light fixtures by the Department of Transportation until July 1, 2004. The bill defines shielded outdoor light fixture.

Patron - Whipple

PSB402 Capital improvement plan and budget recommendations. Provides that a capital improvement plan and budget recommendations for capital projects shall be submitted to the General Assembly every two years, in the second fiscal year of each biennium. The capital improvement plan lists projects that the Governor recommends be undertaken in the succeeding six fiscal years. The plan is to be submitted no later than August 15. In each budget bill introduced in a regular session of the General Assembly held in an even-numbered year, the Governor shall provide a biennial appropriation for capital projects in an amount not less than two percent of the projected general fund revenues for the biennium. The source of funding for the proposed capital projects depends on the projected general fund revenue growth for each year of the biennium, and shall include funding from the general fund if a certain level of general fund revenue growth is projected.

The budget bill shall contain appropriations for capital projects that are consistent with those capital projects included in the capital improvement plan for the corresponding fiscal year.

The bill also creates a special fund to be used exclusively to pay for or finance nonrecurring expenses. The fund shall consist of (i) the amount of unobligated and undesignated general fund revenue collections for each fiscal year that are in excess of the projected general fund revenues for such year, and (ii) an amount equal to the projected abnormal growth in the nonwithholding portion of individual income taxes.

The bill also expresses the intent of the General Assembly that certain parks, educational institutions, Virginia College Building Authority and Virginia Public Building Authority capital projects shall be funded with general funds, to the extent practicable. In addition, the bill provides that the Commonwealth may not issue more than \$250 million in annual debt to fund such projects.

Patron - Chichester

PSB416 Freedom of Information Act; posting of minutes by certain state public bodies. Requires all boards, commissions, councils, and other public bodies created in the executive branch of state government and subject to the provisions of the Freedom of Information Act to post minutes of their meetings on the Internet. Under the bill, draft minutes must be posted within 10 working days of each meeting and final minutes within three working days of final approval of the minutes. This bill is identical to HB 587.

Patron - Rerras

PSB450 Virginia Public Procurement Act; performance and payment of bonds. Allows public bodies to determine the form and amount of performance bonds for transportation-related projects exceeding \$100,000.

Patron - Williams

PSB610 Geographic Information System; Department of Technology Planning; Planning District Commissions; Department of Health; pilot project with the Centers for Disease Control and Prevention created. Creates a pilot project under the Department of Technology Planning, Virginia Geographic Information Network division (VGIN division) to develop a standardized Geographic Information System (GIS) model for the purposes of sharing data relevant to analysis and warning of the spread of airborne toxins and pathogens. This pilot project shall involve the Northern Virginia Planning District Commission (NVPDC), Richmond Regional Planning District Commission (RRPDC), Hampton Roads Planning District Commission (HRPDC), and the Department of Health. The planning district commissions, as appropriate, shall provide staff support and all agencies of the Commonwealth shall provide assistance to VGIN, as requested. The bill requires VGIN to submit an annual report to the Governor and the General Assembly on the progress of this pilot project. The bill expires on July 1, 2005.

Patron - Mims

PSB673 Capital projects; Virginia Public Building Authority and Virginia College Building Authority. Authorizes the Virginia Public Building Authority and the Virginia College Building Authority to undertake numerous public capital projects throughout the Commonwealth for a principal amount not to exceed \$166,374,000 and \$164,946,996, respectively, and to issue bonds to finance the cost thereof.

Patron - Chichester

PSB691 Department of State Police; sale or lease of communication towers. Provides for the Department of State Police to receive in-kind goods and services from the lease or conveyance of any interest in communication towers or sites operated by the Department, which must be used to operate, acquire, construct, maintain, repair or replace communications towers, sites and systems of the Department.

Patron - Trumbo

PSJ52 Comprehensive Services Act Fee Directory. Requests the State Executive Council of the Virginia Comprehensive Services Act for At-Risk Youth and Families to review information available in the Comprehensive Services Act Fee Directory and provide the public with information about the directory, including the procedures by which information is updated and verified, by July 1, 2002.

Patron - Miller, Y.B.

PSJ102 Funding for non-mandated children under the Comprehensive Services Act. Requests the Secretary of Health and Human Resources to identify viable incentives to encourage localities to enhance or maintain levels of funding for children who are non-mandated under the Comprehensive Services Act. The Secretary of Health and Human Resources shall submit a list of the identified incentives to the General Assembly through the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions, and to the Division of Legislative Services, no later than November 30, 2002.

Patron - Houck

Failed

FHB155 Personnel administration; state employees ordered active military service. Requires the Commonwealth to supplement the military pay of any state employee ordered to active duty in the (i) armed forces of the United States, or (ii) in the organized reserve forces of any of the armed services of the United States or of the Virginia National Guard. The bill requires such supplement to be an amount equal to the difference between his military pay, including any allowances and the amount such individual would have earned as a state employee during such period of military service.

Patron - Van Yahres

FHB190 Use of federal funds. Provides that it shall be the policy of the Commonwealth that any moneys received by the Commonwealth from federal funding be used for the stated purpose of the grant. State agencies and institutions are required to take appropriate actions to ensure that all federal funding received is in fact used for the stated purpose of the funding. The bill includes an emergency provision.

Patron - Parrish

FHB288 Capital improvement plan and budget recommendations. Provides that a capital improvement plan and budget recommendations for capital projects shall be submitted to the General Assembly every two years, in the second fiscal year of each biennium. The capital improvement plan lists projects that the Governor recommends be undertaken in the succeeding six fiscal years. The plan is to be submitted no later than August 15. For each fiscal year of the six-year plan, funding from the general fund for capital improvements and projects must equal at least two percent of the anticipated general fund revenues for the fiscal year. In the event that general fund revenue growth is projected to be less than five percent, the Governor shall propose alternative financing mechanisms for funding capital projects.

The budget bill shall contain appropriations for capital projects that are consistent with those capital projects included in the capital improvement plan for the corresponding fiscal year. In addition, the funding sources for capital improvements and projects recommended in the budget bill shall be a portion of general fund revenues based on certain criteria. This bill is incorporated into HB 1285.

Patron - McDonnell

FHB331 Secretary of the Commonwealth; appointments. Requires the Secretary of the Commonwealth to provide, upon the request of any member of the General Assembly, the number of persons appointed to any state board, commission, agency or authority, categorized by race, gender and national origin. Under current law, the Secretary is required to report such information to the General Assembly by December 1 of each year.

Patron - Darner

FHB340 Personnel administration; state employees ordered active military service. Requires the Commonwealth to supplement the military pay of any state employee ordered to active duty in the (i) armed forces of the United States, or (ii) in the organized reserve forces of any of the armed services of the United States or of the Virginia National Guard. The bill requires such supplement to be an amount equal to the difference between his military pay, including any allowances and the amount such individual would have earned as a state employee during such period of military service.

Patron - Albo

FHB529 Freedom of Information Act; record exemptions. Adds a records exemption for those portions of records containing identifying information of a personal, medical or financial nature provided to a public body where the release of such information would jeopardize the safety of any person. This exemption is similar to the exemption currently available to law-enforcement agencies.

Patron - Devolites

FHB535 Southern Growth Policies Agreement. Provides for Virginia's withdrawal from the Agreement and repeals the Code provisions setting out the Agreement.

Patron - Devolites

FHB550 Virginia Public Building Authority; bonds. Authorizes the Virginia Public Building Authority to undertake numerous public capital projects throughout the Commonwealth in a principal amount not to exceed \$210,496,996, and to issue bonds to finance the cost thereof.

Patron - Callahan

FHB615 Attorney General. Requires the office of the Attorney General to render in all civil matters all legal service to every chaplain rendering service to inmates or to juveniles in state adult correctional institutions or in juvenile facilities. This bill is incorporated into HB 507.

Patron - Bloxom

FHB628 Public Procurement Act; definition of "responsible bidder" or "offeror." Sets out the criteria for the determination of "responsible." This criterion is based on the federal acquisition regulations found at 48 CFR § 9.104-1.

Patron - O'Brien

FHB649 Tobacco Settlement Financing Corporation Act. Creates the Tobacco Settlement Financing Corporation for the purpose of purchasing the available portion of the state's tobacco settlement payments under the Master Settlement Agreement. This bill is incorporated into HB 698.

Patron - Dudley

FHB650 Education and Economic Development Trust Fund. Establishes the Education and Economic Development Trust Fund to support interest rate subsidy loans through the Department of Education, and to fund or assist in funding capital costs for certain projects of educational institutions and other economic development projects. The Trust Fund would be funded by 40 percent of the state's allocation under the Master Settlement Agreement.

Patron - Dudley

FHB728 Freedom of Information; exemptions relating to terrorism. Provides a record exemption from the Freedom of Information Act for (i) plans to prevent or respond to terrorist activity, to the extent such records set forth specific tactics, or specific security or emergency procedures, the disclosure of which would jeopardize the safety of governmental personnel or the general public, or the security of any governmental facility, building, structure or information storage system; and (ii) engineering and architectural drawings, operational, procedural, tactical planning or training manuals, or staff meeting minutes or other records, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building or structure or the safety of persons using such facility, building or structure. The bill also expands the open meeting exemption to provide that a public body may

convene a closed meeting for the discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members or legal counsel concerning actions taken to respond to such activity or a related threat to public safety. The bill also authorizes the custodian of public records to ask a requester of records for his name and legal address. The bill contains a technical amendment. The bill is a recommendation of the Freedom of Information Advisory Council. This bill is incorporated into HB 700.

Patron - Woodrum

FHB730 Freedom of Information Act; definition of "public body." Provides that for the purposes of those provisions of FOIA applicable to access to public records, constitutional officers shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records in their custody as other custodians of public records. The bill also eliminates the term "public official" from FOIA. The bill contains a technical amendment.

Patron - Woodrum

FHB858 State and local government employees; leave for service on public boards. Requires that employees of state and local governments be allowed up to 10 days of paid leave in any calendar year, in addition to other paid leave, to attend the meetings of any public board, commission or other public entity to which the employee has been elected to serve.

Patron - Phillips

FHB914 Freedom of Information; record exemption for the Tobacco Settlement Foundation. Provides an exemption from the mandatory disclosure requirements of the Freedom of Information Act for data, records or information of a proprietary nature produced or collected by or for the Tobacco Settlement Foundation as part of study or research of marketing or operational strategies to restrict the use of tobacco products by minors, when such data, records or information have not been publicly released, published, copyrighted or patented.

Patron - O'Bannon

FHB1015 Prohibited discrimination; state and local employees. Prohibits discrimination in state employment on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, disability or sexual orientation. The bill also allows any locality to enact an ordinance prohibiting discrimination in employment on the basis of sexual orientation, provided that the scope of the protections are not inconsistent with nor more stringent than those provided by state laws prohibiting discrimination on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, or disability.

Patron - Scott

FHB1020 Establishment of a Secretary of Agriculture. Establishes the position of Secretary of Agriculture. The Secretary shall be responsible to the Governor for the following agencies: Department of Forestry, Department of Mines, Minerals and Energy, Milk Commission, Department of Agriculture and Consumer Services, Tobacco Indemnification and Community Revitalization Commission, Virginia Agricultural Council, and Virginia Marine Products Board. This bill is incorporated into HB 737.

Patron - Bell

FHB1069 Development of an urban policy for the Commonwealth. Requires the Governor to create a cabinet-level committee to develop a written comprehensive state

urban policy for the Commonwealth. The urban policy should clearly articulate how the Commonwealth will take into account the effect that its policies, programs and incentives will have on the Commonwealth's urban areas. This is a recommendation of the Commission on the Condition and Future of Virginia's Cities.

Patron - Bland

FHB1152 Terrorist Attack Victim Relief Fund. Establishes the Terrorist Attack Victim Relief Fund (the Fund) to assist the victims of the terrorist attacks that occurred on September 11, 2001. The Fund consists of (i) any monies received from the sale of specialty license plates issued by the Department of Motor Vehicles whose design incorporates the flag of the United States of America, (ii) any other monies appropriated to the Fund in the general appropriation act, and (iii) revenue from any other source. The bill provides for the Governor to develop eligibility guidelines for the use of the Fund. The guidelines shall include provisions to ensure the greatest number of victims obtain assistance and a cap on the amount of money available for eligible recipients.

Patron - Marshall, R.G.

FHB1226 Office of Broadband Deployment created; duties. Creates the Office of the Broadband Deployment with responsibilities to coordinate all public and quasi-public efforts to deploy broadband telecommunications throughout the Commonwealth and to seek public, quasi-public and private funding to carry out its mission. The Office will be required to report to the Governor, General Assembly and Joint Commission on Technology and Science annually. The Secretary of Technology will be responsible for this Office.

Patron - Scott

FHB1269 Service by members of General Assembly on authorities. Prohibits service by members of the General Assembly on authorities within the executive branch of state government that are responsible for administering programs established by the General Assembly. The current law applies to service on boards, commissions, and councils.

Patron - Bloxom

FHB1313 Commission on Immigration. Creates the Virginia Commission on Immigration in the executive branch to analyze the current impact of immigration on the Commonwealth and make recommendations on related policies.

Patron - Marshall, R.G.

FHB1359 State and local employees; certain payroll deductions prohibited. Prohibits the payment of membership dues through payroll deduction for any association of state or local government employees, including retired state or local government employees, organized to represent the collective interests of such individuals in matters relating to their benefits and rights.

Patron - Dudley

FSB8 Public Procurement Act; payment clauses. Authorizes, in any contract awarded by any state agency or any agency of local government, a payment clause that requires the contractor to pay his employees a living wage. For the purposes of this bill, "living wage" is defined as a wage equal to (i) 125 percent of the federal poverty level or (ii) 100 percent of the federal poverty level if fully paid, comprehensive family medical coverage is provided to the employee.

Patron - Miller, Y.B.

FSB360 Deputy Secretary for State Marketing Strategies. Creates a new position under the Secretary of Commerce and Trade to work with localities that have experi-

enced an employment base loss of at least 20 percent to promote the creation of new jobs within those communities.

Patron - Reynolds

FSB383 Prohibited discrimination; state and local employees. Prohibits discrimination in state employment on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, disability or sexual orientation. The bill also allows any locality to enact an ordinance prohibiting discrimination in employment on the basis of sexual orientation, provided that the scope of the protections are not inconsistent with nor more stringent than those provided by state laws prohibiting discrimination on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, or disability.

Patron - Whipple

FSB429 State employees' health plan; coverage for hearing aids. Requires the state employee health care plan to provide coverage for hearing aids and related services. Such coverage shall include one hearing aid per hearing-impaired ear, up to a cost of \$1,200, every 48 months. The covered person may choose a higher priced hearing aid and pay the difference in cost above \$1,200, with no penalty to the covered person or the hearing aid provider. Hearing aids will not be covered for impaired ears that do not indicate a hearing loss of 30 dB or greater for at least one frequency between 500 Hz and 4,000 Hz. The plan shall not impose a copayment or fee in excess of \$100 per hearing aid.

Patron - Houck

FSB543 Virginia Freedom of Information Act (FOIA); electronic communication meetings. Extends the exemption of certain public bodies from the FOIA's electronic communication meeting restrictions from July 1, 2002, to July 1, 2004. The exempted entities are (i) any public body (a) in the legislative branch of state government or (b) responsible to or under the supervision, direction, or control of the Secretary of Commerce and Trade or the Secretary of Technology or (ii) the State Board for Community Colleges. The bill also extends from April 15, 2001, to April 15, 2003, the filing date for submitting a report detailing their experience with meetings held under this pilot program. This bill is incorporated into SB 38.

Patron - Mims

FSB584 Virginia Investment Act of 2002. Limits the rate of growth of state expenditures to the total of annual percentage changes in population and cost of living, but in no event greater than the three-year average percentage change in per capita personal income. Revenues in excess of the capped expenditure amount shall be deposited into the Virginia Investment Account and shall not be withdrawn from the Account until at least July 1 of the subsequent biennium except to defray the cost of an emergency. Money in the Account shall be appropriated only for (i) new transportation infrastructure construction, (ii) matching grants to localities for grades K through 12 public school construction and renovation projects, and (iii) nonrecurring research and development grants relating to economic development activities, which may be conducted at public institutions of higher education. Matching grants to localities for grades K through 12 public school construction and renovation projects shall be based on the Commonwealth paying no more than one dollar for every three dollars generated by the locality. The amount of annual deposits to the Account is capped at five percent of the excess of revenues over expenditures, including deposits to the Revenue Stabilization Fund and Water Quality Improvement Fund, in a fiscal year. The excess revenue over the amount required to be deposited in the Account is to be refunded pro rata on annual

income tax returns. The limit on the rate of general fund growth may be exceeded if the Governor declares an emergency.

Patron - Barry

FSB614 Comprehensive Services Act; funding. Removes requirement for local funding to provide services under the Comprehensive Services Act.

Patron - Reynolds

FSB648 Business Advisory Commission on Quality Child Care Financing. Creates the Business Advisory Commission on Quality Child Care Financing. The purpose of the Commission is to advise the Governor on strategies to secure adequate financing of child-care facilities and services in order to promote economic growth and the general welfare of the people of the Commonwealth. The Commission shall have 17 members as follows: two members of the House Committee on Health, Welfare and Institutions; two members of the Senate Committee on Rehabilitation and Social Services; the Secretaries of Commerce and Trade and Health and Human Resources; the Executive Director of the Virginia Economic Development Partnership; the Commissioner of the Department of Taxation or his designee; eight citizen members representing business, education and child care interests; and the director of the licensing division of the Department of Social Services.

Patron - Miller, Y.B.

Carried Over

CHB77 Virginia Health Care Trust Fund. Establishes the Virginia Health Care Trust Fund to be used for health care purposes.

Patron - Hamilton

CHB103 Funding of state agencies and certain academic medical centers. Establishes the policy of the Commonwealth in regard to funding of indigent health care services provided by Virginia's three academic medical centers. This bill declares such policy to be to appropriate 100 percent of the costs of the indigent health care services provided by or through the Virginia Commonwealth University Health System Authority and the University of Virginia Medical Center and to provide at least 50 percent to meet the costs of indigent health care services provided by or through the Eastern Virginia Medical School (established as an authority in the Acts of Assembly of 1964). The two public academic medical centers are required to submit estimates of the amounts needed for this purpose and the Eastern Virginia Medical School is required to submit such data and estimates as may be required.

Patron - Morgan

CHB112 State and Local Government Conflict of Interests Act; disclosure of personal interests. Provides that when disclosure accompanies disqualification, the disclosure must be provided with specificity. The bill also (i) adds options to own interests that otherwise would constitute a "personal interest" to the definition of "personal interest" under the Act and (ii) adds members of entities created to advise on land use issues to those required to make public disclosure upon the taking of such office if the local governing body so provides.

Patron - Marshall, R.G.

CHB252 Government Performance and Results Act. Requires each state agency to develop a strategic plan and specifies what should be included in such plan. The bill also provides for each agency to submit its strategic plan to the Joint Rules Committee on a schedule developed by the Committee and the Governor. After review, the Committee may

submit comment to the Governor on issues of concern relative to the strategic plan including recommendations for improving the plan. The bill also provides for (i) the Governor to submit with the Budget Bill strategic plan information and performance measurement results for each agency, (ii) the Appropriations Committee of the House of Delegates and the Finance Committee of the Senate to include agency-strategic plan information and performance measurement results when considering the budget. The bill further deletes the requirement for the Department of Planning and Budget to submit an annual report to the Appropriations Committee of the House of Delegates and the Finance Committee of the Senate setting forth strategic plan information and performance measurement results for each state agency.

Patron - McQuigg

CHB287 Excess funds in the Revenue Stabilization Fund. Establishes a mechanism to provide tax relief to Virginia taxpayers when the Auditor of Public Accounts determines the Revenue Stabilization Fund has reached its maximum size as provided in the Constitution of Virginia. The excess funds will be deposited in a special nonreverting fund titled the "Virginia Taxpayer Surplus Relief Fund" and must be used by the next session of the General Assembly to provide tax relief to Virginia taxpayers.

Patron - O'Bannon

CHB338 Virginia Health Care Trust Fund. Establishes the Virginia Health Care Trust Fund into which 20 percent of the amount received by the Commonwealth pursuant to the Master Tobacco Settlement Agreement shall be deposited annually. The Fund shall be used for health care purposes as specified in the general appropriations act.

Patron - Hamilton

CHB353 Automatic reduction in general fund appropriations by Governor. Whenever general fund revenue collections for a period of six months or more show that year-to-date revenue growth is in excess of one percent below the official estimate upon which the appropriations act is based for such fiscal year, the Governor shall institute an across-the-board percentage reduction in general fund appropriations to all executive branch agencies, which shall equal at least one-half of the revenue shortfall. Such action shall be communicated to the chairmen of the money committees within five days of the adoption.

Patron - Purkey

CHB388 Economic development; Virginia Maritime Investment Act. Establishes a grant program to be paid, subject to appropriation, from the Virginia Maritime Investment Partnership Grant Fund. The program provides grants to eligible ship repair companies making a capital investment of at least \$50,000. Eligible ship repair companies are companies that have continuously been repairing ships in Virginia for at least five years. The capital investment must increase the productivity of the ship repair company or result in the utilization of a more advanced technology by such company, or both. The Secretary of Commerce and Trade shall determine whether or not a grant is to be awarded to eligible ship repair companies based on guidelines establishing criteria for the awarding of a grant and based on recommendations of the Virginia Economic Development Partnership. In cases where a grant is awarded, the grant shall equal 10 percent of the cost of the capital investment, subject to limitations on the amount of grants that may be paid. The guidelines for the awarding of a grant shall be reviewed by the chairmen of the House Appropriations and Senate Finance Committees before the Secretary of Commerce and Trade may award any grant. These guidelines must take into account the number of new jobs created, wages, the

amount of the investment, the net present value of paid benefits to Virginia, and other factors. The amount of a grant any eligible ship repair company is eligible for shall not exceed \$25 million in aggregate. The Secretary of Commerce and Trade can approve up to \$20 million in grants in any one fiscal year. The aggregate amount of grants outstanding at any one time, however, may not exceed \$80 million. The Commonwealth's annual obligation for grants to an individual ship repair company shall not exceed \$750,000. The grants will be payable in five equal installments beginning in the second year after the capital investment is completed and verified as such by the Virginia Economic Development Partnership.

Patron - Wardrup

CHB398 Financial and management audit of all state agencies. Directs the Governor to require a financial and management audit of all state agencies, independent agencies, and all instrumentalities except localities, by private auditing firms, to improve governmental efficiency. The audit shall be completed and reviewed by a joint subcommittee of the House Appropriations and Senate Finance Committees. The joint subcommittee shall make recommendations to improve the efficiency of each agency by December 31, 2003.

Patron - Lingmelter

CHB505 Suspension without pay. Provides that in no case shall a suspension without pay of a law-enforcement officer, firefighter or emergency medical technician continue for more than 90 days pending completion of the hearing process.

Patron - Drake

CHB713 Governor's Development Opportunity Fund; economically stressed communities. Provides that no matching funds shall be required by the Governor as a condition of receiving a grant or loan from the Fund for economically stressed communities. For the purposes of this bill, "economically stressed communities" is defined as any locality that has had a net loss of 10 percent of its jobs in the past five years or has an unemployment rate of more than nine percent over a period of six months. The bill provides that this provision shall expire on July 1, 2005.

Patron - Armstrong

CHB737 Secretary of Agriculture and Forestry. Creates the Secretariat of Agriculture and Forestry. The new secretariat will have the following responsibilities: (i) coordinate the work of state agencies to facilitate the growth and viability of the agriculture and forestry industries, (ii) ensure that these industries contribute to the revitalization of Virginia's rural economies, (iii) enhance the opportunities for global promotion of agriculture and forestry products, (iv) participate in federal and state programs that benefit the Commonwealth's agriculture and forestry industries, and (v) promote the development and marketing of agriculture and forestry specialty products.

Patron - Putney

CHB760 Agency heads and Secretaries; confirmation process. Requires the Governor to provide the General Assembly with certain information regarding the background and qualifications of agency head and Secretary appointees. The Governor must submit to the General Assembly for its confirmation hearings corroborative evidence of the appointee's stated qualifications and the results of a national criminal record check.

Patron - Rapp

CHB776 Appointments; agency heads. Transfers to the Boards of Education, Professional and Occupational Regu-

lation, and Health Professions the power to appoint the agency head of their respective departments. Currently, the Governor, subject to confirmation of the General Assembly, appoints these positions. These boards are unique in their function because they regulate the licensure of professionals.

Patron - Morgan

CHB822 Income tax; refund of surplus revenues. Requires the refund of surplus revenues when they exceed the amount required to be deposited in the Revenue Stabilization Fund by at least \$50 million. The Department of Taxation shall make refunds based on each taxpayer's pro rata share of excess revenues collected in the calendar year in which the fiscal year surplus is determined. The taxpayer must have filed an income tax return for such calendar year.

Patron - Nixon

CHB899 Virginia Public Procurement Act; procurement of professional services. Allows state and local entities to negotiate and award multi-phase professional services contracts for construction or infrastructure projects. Under current law this authority is limited to the Department of Transportation for certain professional services related to highways and bridges.

Patron - Purkey

CHB900 Freedom of Information Act (FOIA); remedy for requests intended to harass. Authorizes any public body subject to the provisions of FOIA to petition the circuit court in the city or county in which the public body is located for a protective order relieving the public body in whole or in part from its obligation to produce or provide access to public records sought by a particular requester. The court shall grant the petition and enter such an order if the court finds that the request for access to public records is unreasonable, not made in good faith, or motivated primarily by an intent to abuse, harass, or intimidate the public body. In entering the order, the court may require the requester to pay the reasonable attorney's fees incurred by the public body in obtaining the order.

Patron - Purkey

CHB937 Workforce Transition Act; eligibility for transitional severance benefit. Extends the eligibility for transitional severance benefits provided under the Workforce Transition Act to agency heads and employees serving in the capacity of chief deputy or confidential assistant for policy or administration.

Patron - Morgan

CHB969 Virginia Public Procurement Act; contracts with faith-based organizations. Requires faith-based organizations contracting with public bodies to have been granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code.

Patron - Jones, D.C.

CHB1004 Virginia Liaison Office. Provides for the director of the Virginia Liaison Office to have on staff an individual responsible for administering and monitoring all federal legislation, funding and regulatory issues pertaining to transportation, and advocating the Commonwealth's transportation interests before appropriate bodies and agencies.

Patron - McDonnell

CHB1077 Virginia Health Care Trust Fund. Establishes the Virginia Health Care Trust Fund into which 10 percent of the amount received by the Commonwealth pursuant to the Master Tobacco Settlement Agreement shall be deposited

annually. The fund shall be used for health care purposes as specified in the general appropriations act.

Patron - Brink

CHB1270 Exemptions from the Virginia Personnel Act. Deletes the exemption for no more than two employees of each executive branch agency who serve as the chief deputy, or equivalent, and confidential assistant for policy or administration. Current law provides that these two positions are "at-will" positions. The deletion of this exemption makes these positions subject to the Personnel Act and to the state grievance procedure. The bill also deletes references to this exemption in provisions relating to transitional severance benefits, early retirement options, and appointments by the Director of the Department of Game and Inland Fisheries and the Superintendent of the Department of State Police.

Patron - Bloxom

CHB1308 Department of Planning and Budget; funding for nonstate agencies. Provides new procedures for filing and receiving state funding for arts, humanities, and cultural institutions. The bill defines "arts, humanities, and cultural institutions," "direct appropriations for state aid," and "general operations."

Patron - Bryant

CHB1316 Virginia Economic Development Partnership. Requires the Partnership to create a special marketing division, which shall have an office located in the City of Norton, and shall prepare a specific plan annually to serve as the basis for marketing high unemployment areas of Virginia and for providing incentives for development in such areas.

Patron - Phillips

CHB1335 Virginia Economic Development Partnership; Founders of America Communities Program. Requires the Virginia Tourism Corporation to develop and administer a marketing program titled "Founder of America Communities Program" (the "Program") to coincide with the celebration of the 400th anniversary of the founding of Jamestown in 1607. The Program shall be designed to promote the sites and localities in the Commonwealth that have colonial or revolutionary historical significance, and any fairs and festivals created to honor Virginia's founding generation, and to honor those leaders from Virginia's colonial and early history who were essential in the founding of America.

Patron - Orrock

CHB1364 Local and State Emergency Incident Relief Fund. Establishes a Fund to be used to meet the costs of responding to an emergency incident within the Commonwealth.

Patron - Nutter

CSB5 Department of Business Assistance; Workforce Retraining Program and Fund. Provides for the Department of Business Assistance to develop a Workforce Retraining Program to provide consulting services and funding to companies and businesses to assist in retraining their existing workforces. To be eligible for funding under the program, a company must demonstrate that it is undergoing (i) integration of new technology into its production process, (ii) a change of product line in keeping with marketplace demands, or (iii) substantial change to its service delivery process, which would require assimilation of new skills and technological capabilities by the firm's existing labor force. The bill also creates the Workforce Retraining Fund.

Patron - Miller; Y.B.

CSB13 Economic development; Virginia Maritime Investment Act. Establishes a grant program to be paid, subject to appropriation, from the Virginia Maritime Investment Partnership Grant Fund. The program provides grants to eligible ship repair companies making a capital investment of at least \$50 million. Eligible ship repair companies are companies that have continuously been repairing ships in Virginia for at least five years. The capital investment must increase the productivity of the ship repair company or result in the utilization of a more advanced technology by such company, or both. The Secretary of Commerce and Trade shall determine whether or not a grant is to be awarded to eligible ship repair companies based on guidelines establishing criteria for the awarding of a grant and based on recommendations of the Virginia Economic Development Partnership. In cases where a grant is awarded, the grant shall equal 10 percent of the cost of the capital investment, subject to limitations on the amount of grants that may be paid. The guidelines for the awarding of a grant shall be reviewed by the chairmen of the House Appropriations and Senate Finance Committees before the Secretary of Commerce and Trade may award any grant. These guidelines must take into account the number of new jobs created, wages, the amount of the investment, the net present value of paid benefits to Virginia, and other factors. The amount of a grant any eligible ship repair company is eligible for shall not exceed \$50 million in aggregate. The Secretary of Commerce and Trade can approve up to \$20 million in grants in any one fiscal year. The aggregate amount of grants outstanding at any one time, however, may not exceed \$80 million. The Commonwealth's annual obligation for grants to an individual ship repair company shall not exceed \$750,000. The grants will be payable in five equal installments beginning in the second year after the capital investment is completed and verified as such by the Virginia Economic Development Partnership.

Patron - Norment

CSB198 Health insurance for teachers. Requires local school boards to provide teachers the opportunity to participate in the local choice health insurance programs administered through the Department of Human Resources Management. The local choice health insurance program currently offers prescription drug coverage for retirees.

Patron - Deeds

CSB372 Personnel administration; preference for veterans for employment with the Commonwealth. Provides any veteran who applies for employment with the Commonwealth a preference during the selection process, if the veteran received an honorable discharge and more than 180 consecutive days of full-time active duty in the armed forces of the United States or reserve components thereof, including the National Guard, or has a service-connected disability rating.

Patron - Blevins

CSB536 Administrative Process Act; fast-track rulemaking process. Establishes an exemption from the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial.

Patron - Mims

CSB551 Conflicts of Interest Act; Lobbyist disclosure forms. Requires the Secretary of the Commonwealth, the Clerk of the House of Delegates, and the Clerk of the Senate of Virginia jointly to develop a uniform conflicts of interest form for filings required by Chapter 31 (§ 2.2-3100 et seq.) of Title 2.2 and Chapter 13 (§ 30-100 et seq.) of Title 30, and lobbyist disclosure reports required by § 2.2-426. The bill also requires the Secretary of the Commonwealth, the Clerk of the House of Delegates, and the Clerk of the Senate of Virginia jointly to

make such filings available on the Internet. The bill also contains technical amendments and has a delayed effective date of January 1, 2003.

Patron - Stolle

CSB568 Establishment of a Secretary of Agriculture. Establishes the position of Secretary of Agriculture. The Secretary shall be responsible to the Governor for the following agencies: Department of Forestry, Department of Mines, Minerals and Energy, Milk Commission, Department of Agriculture and Consumer Services, Tobacco Indemnification and Community Revitalization Commission, Virginia Agricultural Council, and Virginia Marine Products Board.

Patron - Puckett

CSB599 Secretary of Agriculture and Forestry. Creates the Secretariat of Agriculture and Forestry. The new secretariat will have the following responsibilities: (i) coordinate the work of state agencies to facilitate the growth and viability of the agriculture and forestry industries, (ii) ensure that these industries contribute to the revitalization of Virginia's rural economies, (iii) enhance the opportunities for global promotion of agriculture and forestry products, (iv) participate in federal and state programs that benefit the Commonwealth's agriculture and forestry industries, and (v) promote the development and marketing of agriculture and forestry specialty products.

Patron - Hawkins

Agriculture, Horticulture and Food

Passed

PHB53 Deletion of obsolete cross-references. Strikes references to repealed Code provisions dealing with miscellaneous food products and the reporting of the number of livestock. This bill is a recommendation of the Virginia Code Commission in furtherance of the objective to identify obsolete provisions of law pursuant to § 30-151.

Patron - Landes

PHB501 Animal pounds and shelters. Expands the power to enforce laws relating to animal pounds and shelters by authorizing the Commissioner of the Department of Agriculture and Consumer Services to bring an action to enjoin violations of the Animal Control Law or the regulations pursuant thereto. The Commissioner may request the Attorney General to bring such an action. Currently, the Commissioner may request only an action for civil penalties for violations. This bill is identical to SB 417.

Patron - Albo

PHB653 Food Labeling. Exempts not-for-profit organizations from labeling requirements for one-day food sales. This bill also grants the Commissioner of Agriculture and Consumer Services the authority to require the Department of Agriculture and Consumer Services to distribute educational materials related to the safe preparation of food to not-for-profit organizations.

Patron - Dudley

PHB698 Securitization of payments under the Tobacco Master Settlement Agreement. Authorizes the Governor to sell any or all of 50 percent of the revenues derived from the Tobacco Master Settlement Agreement. Proceeds

from the sale shall be deposited into the Tobacco Indemnification and Community Revitalization Endowment Fund. The income of the Endowment and up to 10 percent (up to 15 percent upon two-thirds vote of the Tobacco Indemnification and Community Revitalization Commission) of the corpus of the Endowment shall be paid annually to the Tobacco Indemnification and Community Revitalization Fund. This bill incorporates HB 649.

Patron - Byron

PHB707 Animal cruelty. Provides that it is a Class 6 felony to cause the death of a dog or cat by torturing or willfully inflicting inhumane injury or pain or cruelly beating, maiming or mutilating such animal regardless of whether the animal belongs to the person or another. This bill is substantially similar to SB 306.

Patron - Armstrong

PHB773 Animal control officers; training on child abuse and neglect. Requires animal control officers to receive training in the recognition of child abuse and neglect and information on how complaints may be filed.

Patron - Watts

PHB941 Confinement and disposition of animals by animal pounds and shelters; penalties. Delays the effective date of the penalty provisions for animal pounds and shelters that are violating regulations adopted by the Board of Agriculture and Consumer Services from January 1, 2002, to January 1, 2003. This bill contains a retroactive clause and an emergency provision, and is identical to SB 133.

Patron - Morgan

PHB1357 Animal abandonment or dumping; penalties. Adds definition of animal "dumping" to animal welfare laws. To "dump" means to knowingly desert, forsake or absolutely give up any dog, cat or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

Patron - O'Bannon

PHJ373 Appointments; Tobacco Indemnification and Community Revitalization Commission. Confirms appointments to the Commission by the Speaker of the House: Delegate Clarke N. Hogan to succeed William W. Bennett, Jr. and Delegate Thomas C. Wright, Jr. to succeed Whittington W. Clement, both for unexpired terms ending June 30, 2003.

Patron - Ingram

PSB133 Animal shelters; penalties. Delays the effective date of the penalty provisions for animal pounds and shelters that are violating regulations adopted by the Board of Agriculture and Consumer Services from January 1, 2002, to January 1, 2003. This bill contains a retroactive clause and an emergency provision and is identical to HB 941.

Patron - Stolle

PSB235 Seizure and impoundment of animals, cruelty to animals, and soring of horses; penalty. Adds the federal definition of soring of horses, expands the authority to seize and impound animals for failure to provide "adequate care" to horses by deleting the "companion animal" qualification, and includes the soring of horses as cruelty to animals. Currently, the penalty for soring of horses is a Class 3 misdemeanor. This bill increases the penalty for soring of horses to a Class 1 misdemeanor, and if a second conviction occurs within five years resulting in the death of the animal, the penalty is increased to a Class 6 felony.

Patron - Hanger

PSB260 Animal shelters. Adds definitions of "companion animal rescue agency" and "foster home," and establishes requirements for operating companion animal rescue agencies and foster homes. The bill also sets out separate registration requirements for companion animal rescue agencies and animal pounds and shelters that use foster homes. Companion animal rescue agencies are not inspected by the State Veterinarian prior to accepting animals and are not required to meet shelter regulations set forth by the Department of Agriculture and Consumer Services. Instead, a companion animal rescue agency must self-certify and inspect any foster homes used prior to placing an animal to determine if the home meets the basic owner standards of care as set out in § 3.1-796.68 plus additional requirements. The self-certification and inspection reports are to be filed with the State Veterinarian. Companion animal rescue agencies must register with the Department annually and foster homes must self-certify twice a year that they are continuing to meet the basic owner standards of care with the companion animal rescue agency. Pounds and animal shelters that use foster homes to keep animals accepted by the pound or shelter must inspect those foster homes prior to placing an animal. The foster homes must self-certify twice a year that they continue to meet the basic owner standards of care. The bill also prohibits any person who has ever been convicted of animal cruelty, neglect, or abandonment from adopting an animal from, or working for or operating, any humane society, animal shelter, companion animal rescue agency or foster home. Also, this bill prohibits any person who has ever been convicted of animal cruelty, neglect, or abandonment from being on the board of directors of a pound or animal shelter. This bill also changes the authority for assessing penalties for violations relating to animal shelters from the Board of Agriculture and Consumer Services to the Department of Agriculture and Consumer Services. The requirement for animal shelters to send pictures of animals to pounds is removed.

Patron - Watkins

PSB306 Animal cruelty. Provides that it is a Class 6 felony to cause the death of a dog or cat that is a companion animal by torturing willfully, or inflicting inhumane injury or pain or cruelly beating, maiming or mutilating such animal. This bill is substantially similar to HB 707.

Patron - Edwards

PSB417 Animal pounds and shelters. Expands the power to enforce laws relating to animal pounds and shelters by authorizing the Commissioner of the Department of Agriculture and Consumer Services to bring an action to enjoin violations of the Animal Control Law or the regulations pursuant thereto. The Commissioner may request the Attorney General to bring such an action. Currently, the Commissioner may request only an action for civil penalties for violations. This bill is identical to HB 501.

Patron - Rerras

PSB457 Securitization of payments under the Master Settlement Agreement. Authorizes the Governor to sell 50 percent of the annual amount received by the Commonwealth from the Master Settlement Agreement. Proceeds from the sale shall be deposited into the Tobacco Indemnification and Community Revitalization Endowment Fund. The income of the Endowment and up to 15 percent of the corpus of the Endowment shall be paid annually to the Tobacco Indemnification and Community Revitalization Fund. The bill also creates the Tobacco Settlement Financing Corporation that is authorized to purchase tobacco assets and receive the portion of the Commission Allocation sold to the Corporation by the Governor.

Patron - Hawkins

PSB552 **Collection of bright flue-cured tobacco excise tax.** Adds definition of "handler" and designates handlers as agents of the Virginia Bright Flue-Cured Tobacco Board for the purpose of collecting excise taxes on bright flue-cured tobacco. Currently, the excise tax can only be collected by the warehouse where the tobacco is first sold.

Patron - Hawkins

PSB677 **Fertilizer and lime contractors; permit fees.** Revises definitions of fertilizer contractor-applicator and lime contractor and makes changes in the permitting language in order to clarify that only one valid permit holder per business entity is required. The bill attempts to resolve any ambiguity or conflict from within the Department of Agriculture and Consumer Services, the regulatory agency overseeing such permits, where the law has recently been interpreted to require every individual applying fertilizer or lime to pay the \$50 permit fee.

Patron - Watkins

Failed

FHB473 **Animal shelters.** Deletes the provision prohibiting certain animal shelters from being operated from a residential dwelling; however, such shelters will still be required to comply with local zoning ordinances.

Patron - Suit

FHB907 **Tobacco product manufacturers.** Provides for the Attorney General to recover costs, expenses and attorney's fees associated with filing suit against a tobacco product manufacturer for failing to follow the escrow requirements under the master settlement plan. This bill is identical to SB 374.

Patron - Dudley

FHB1012 **Animal cruelty.** Provides that it is a Class 6 felony to cause the death of a companion animal by willfully and maliciously torturing or inflicting inhumane injury or pain or cruelly beating, maiming or mutilating such animal. Companion animal is defined in § 3.1-796.66. This bill is incorporated into HB 707.

Patron - Scott

FSB374 **Tobacco product manufacturers.** Provides for the Attorney General to recover costs, expenses and attorney's fees associated with filing suit against a tobacco product manufacturer for failing to follow the escrow requirements under the master settlement plan. This bill is identical to HB 907.

Patron - Ruff

Carried Over

CHB1305 **Labeling of produce, seafood, peanuts, bee pollen and honey; penalty.** Requires that produce, seafood, peanuts, bee pollen and honey produced in any country other than the United States be labeled to indicate to the ultimate purchaser the country of origin. Retail vendors who remove such markings are subject to a \$500 civil penalty.

Patron - Orrock

Alcoholic Beverage Control Act

Passed

PHB248 **ABC; special events.** Makes it a Class 3 misdemeanor to knowingly make false statements to secure a banquet or special events wine and beer or a mixed beverage special events license or to alter, change, borrow, or lend or attempt to use, borrow or lend such a license.

Patron - Sears

PHB249 **ABC; prohibited acts.** Prohibits the consumption of alcoholic beverages by employees or agents of a wine or beer licensee while on duty and in a position that is involved in the selling or serving of alcoholic beverages to customers. The bill provides certain exceptions to this rule.

Patron - Sears

PHB437 **Alcoholic beverage control; stadium licenses.** Allows for the sale of wine and beer during any event, or immediately subsequent thereto, held at such facilities. Currently, stadium licensees are permitted to sell wine and beer during the performance of any professional sporting exhibition, event or performance, or immediately subsequent thereto.

Patron - Woodrum

PHB786 **Alcoholic beverage control; refusal to grant license.** Expands the types of information that the Board must consider in deciding whether to issue an ABC license to include objections filed by local residents.

Patron - Jones, D.C.

PHB1193 **Underage purchasing or possessing alcoholic beverages; fake identification; penalty.** Provides that when any person who has not previously been convicted of underage possession of alcoholic beverages in Virginia or any other state is so convicted, the court may, if the facts found by the court would justify a finding of guilt of underage possession of alcohol, without entering a judgment of guilt and with the consent of the accused, defer further proceedings and place him on probation subject to appropriate conditions that may include the imposition of driver's license suspension and restricted license. The bill provides further that in all such cases, the court shall require the accused to enter a treatment or education program or both, if available, that in the opinion of the court best suits the needs of the accused. Upon violation of a condition, the court may enter an adjudication of guilt and proceed as otherwise provided.

Patron - Almand

PHB1365 **Alcoholic beverage control; grounds for suspension or revocation of licenses.** Allows the ABC Board to suspend or revoke a license where it has reason to believe that a licensee, his employees, or any entertainer performing on the licensed premises has been convicted of a violation of a local public nudity ordinance for conduct occurring on the licensed premises and the licensee allowed such conduct to occur.

Patron - Jones, D.C.

Failed

FHB783 **ABC; ownership change.** Requires a licensee, when the majority of the corporate stock of a retail licensee is sold to a new entity or there is a change of business at the premises of the licensee, to comply with all of the posting,

public comment and other provisions for an application for licensure.

Patron - Jones, D.C.

FHB784 ABC; refusal to grant license. Requires the Board of Alcoholic Beverage Control to establish limits on the number and type of licensed establishments that may be located in a given area.

Patron - Jones, D.C.

FHB785 ABC; sale of singles. Allows localities by ordinance to regulate the sale of single units of alcoholic beverages purchased for consumption off-premises.

Patron - Jones, D.C.

FHB799 Alcoholic Beverage Control Board; regulations. Provides that no regulation of the ABC Board shall limit the number of times in a calendar year that a club licensee rents or donates its licensed premises to nonmembers who would otherwise qualify for a banquet or banquet special events license to use the club premises where the privileges of the club license are exercised.

Patron - Bolvin

FHB1074 ABC Board; hearings. Provides that the ABC Board may select, as it deems necessary, hearing officers from the list maintained by the Executive Secretary of the Supreme Court to expedite its workload.

Patron - Jones, J.C.

FHB1076 Alcoholic beverage control; summary suspension of licenses. Authorizes the ABC Board to summarily suspend any license other than a brewery license, in which case the Board may impose penalties as provided in § 4.1-227 without a hearing simultaneously with the institution of proceedings for a hearing if it finds that there is a substantial danger to the public health or safety that warrants this action. Institution of proceedings for a hearing shall be provided simultaneously with the summary suspension. The hearing shall be scheduled within a reasonable time of the date of the summary suspension, not to exceed 96 hours. This power is similar to that enjoyed by regulatory boards at the Department of Health Professions.

Patron - Jones, J.C.

FHB1145 Alcoholic beverage control; limitation on certain retail licensees. Provides that any person holding a retail license to operate a food concession at outdoor facilities, stadia, or other like facilities whose licensed premises are located in any county with a population between 210,000 and 216,000 (Prince William) who negligently or recklessly serves alcoholic beverages to a minor or an intoxicated individual shall be liable for damages proximately caused by that minor's or intoxicated individual's consumption of the alcoholic beverages.

Patron - Marshall, R.G.

FHB1146 Alcoholic beverage control; limitation on certain retail licensees. Provides that no alcoholic beverages may continue to be sold or served by any person holding a retail license to operate a food concession at outdoor facilities, stadia, or other like facilities whose licensed premises are located in any county with a population between 210,000 and 216,000 (Prince William) when, at any one event conducted at the licensed premises, attendance exceeds 10,000 persons or when persons arrested exceeds 500.

Patron - Marshall, R.G.

FHB1147 Alcoholic beverage control; limitation on certain retail licensees. Provides that any person holding a

retail license to operate a food concession at outdoor facilities, stadia, or other like facilities whose licensed premises are located in any county with a population between 210,000 and 216,000 (Prince William) shall contribute annually to the special fund created pursuant to § 33.1-75.1 in an amount as determined by the district administrator for the Virginia Department of Transportation Northern Virginia Highway Construction District to compensate the Commonwealth for highway improvements, including grade separations, additional, turning or storage lanes, and traffic signals, undertaken by or through the Virginia Department of Transportation necessitated by damage to the roads serving such facility in the operation of the licensed premises. The bill provides that failure by the licensee to make the required contribution shall constitute grounds for which the Board may suspend or revoke his license.

Patron - Marshall, R.G.

FHB1148 Alcoholic beverage control; limitation on certain retail licensees. Provides that any person holding a retail license to operate a food concession at outdoor facilities, stadia, or other like facilities whose licensed premises are located in any county with a population between 210,000 and 216,000 (Prince William) shall file annually with the Board a report listing the number and types of arrests, injuries or deaths occurring at the licensed premises on a per event basis. Failure to file the report required by this bill shall constitute grounds for which the Board may suspend or revoke such license.

Patron - Marshall, R.G.

FHB1149 Alcoholic beverage control; limitation on certain retail licensees. Provides that upon receiving an application for the renewal of a license granted to any person holding a retail license to operate a food concession at outdoor facilities, stadia, or other like facility located in any county with a population between 210,000 and 216,000 (Prince William), the ABC Board shall require that such applicant comply with posting and publication requirements for an ABC license. The bill provides that the ABC Board shall require a public hearing to be conducted in the county where the licensed premises are located and that no license renewal shall be granted until these requirements are met.

Patron - Marshall, R.G.

FHB1155 Alcoholic beverage control; limitation on certain retail licensees. Provides that the ABC Board shall suspend the license of any person holding a retail license to operate a food concession at outdoor facilities, stadia, or other like facilities whose licensed premises are located in any county with a population between 210,000 and 216,000 (Prince William) when, during the immediately preceding licensing year, more than 500 arrests have been made at the licensed premises or on property adjacent thereto. Such suspension shall be effective for one calendar year from the date of the suspension. The bill provides that after the period of the suspension has ended, the licensee may apply to the Board for renewal of such license. Upon receiving an application for the renewal of the license, the Board shall require that the applicant comply with the provisions relating to issuance of an initial license and shall require a public hearing to be conducted in the county where the licensed premises are located. No license renewal shall be granted until the provisions of this subsection have been met.

Patron - Marshall, R.G.

FHB1156 Alcoholic Beverage Control Board; investigation of nuisances. Requires the ABC Board to investigate all complaints of alleged violations of any nuisance law or ordinance reported to the Board.

Patron - Marshall, R.G.

FHB1216 **Alcoholic beverage control; powers of ABC Board.** Authorizes the ABC Board to buy and sell tobacco products and to lease any portion of a building to a tobacco company to facilitate sales of tobacco products.

Patron - Albo

FSB671 **ABC; tied house.** Provides an exception to the tied house law to permit a concert amphitheater to receive corporate sponsorship from breweries, wineries, and distillers for concert and concert seasons as long as the sponsoring brewery, winery or distiller does not require that the products of competing breweries, wineries, or distilleries be excluded from being sold at the concert amphitheater. Current law already allows exceptions to be made by statute or Board regulation.

Patron - Wagner

Carried Over

CHB57 **Possession of open container of alcohol in a motor vehicle; penalty.** Provides that no person shall possess an alcoholic beverage in the passenger area of a motor vehicle upon a public highway of the Commonwealth in other than the manufacturer's unopened, original container. The bill punishes violation with a civil penalty of \$25.

Patron - Purkey

CHB1267 **Alcoholic beverage control; privatization of ABC stores.** Provides for the issuance of a "package store" license to authorize the retail sale of alcoholic beverages for off-premises consumption. The bill also requires ABC stores to sell at auction all real estate used as ABC stores, and to terminate such leases. The bill has a delayed effective date of January 1, 2004.

Patron - Louderback

Aviation

Passed

PHB54 **Deletion of obsolete Code references.** Strikes cross-references to repealed Code provisions. This bill is a recommendation of the Virginia Code Commission in furtherance of the objective to identify obsolete provisions of law pursuant to § 30-151.

Patron - Landes

Banking and Finance

Passed

PHB72 **Limited access to safe-deposit box.** Allows access to a safe-deposit box for the purpose of looking for a will or power of attorney by interested persons when the lessee of the safe-deposit box has become incapacitated. Under current law, access is limited to persons having an interest in locating a will of a decedent.

Patron - Howell

PHB97 **Limitations on obligations of borrowers.** Increases the maximum amount of obligations that a borrower may owe to a state bank to 15 percent of the sum of the bank's capital, surplus, and loan loss reserves. Currently, a bank's loan loss reserves are not included in calculating the bank's loans-

to-one-borrower limit. The bill also permits the State Corporation Commission to authorize state banks to make loans to one borrower in amounts authorized under laws applicable to national banks.

Patron - Dudley

PHB98 **Payment of small account balances.** Increases from \$10,000 to \$15,000 the maximum account balance of a decedent that a bank, savings institution or credit union may pay to the surviving spouse or distributees.

Patron - Dudley

PHB440 **Consumer Real Estate Settlement Protection Act (CRESPA); definition of "settlement agent."** Amends the definition of "settlement agent" to include any person who conducts the settlement conference or handles funds in the transaction.

Patron - Woodrum

PHB940 **Payday lending; usury; penalties.** Establishes requirements for the conduct of payday lending. A "payday loan" is a transaction where the lender (i) accepts a check or similar instrument from the borrower; (ii) agrees to hold the check for a period of time prior to negotiation or presentment; and (iii) gives the borrower the amount of the check less the permitted interest charge. If the borrower does not pay the loan by the due date, the lender may obtain repayment by cashing the borrower's check. The measure caps the fee that a payday lender may charge at \$15 per \$100 advanced to the borrower. The minimum term is seven days. Lenders are prohibited from renewing or "rolling over" such loans. Payday lenders are required to be licensed with the State Corporation Commission. A violation of the measure is a prohibited practice under the Consumer Protection Act. Violators are subject to civil and criminal penalties. Making unlicensed loans, or arranging or brokering payday loans, is punishable as a Class 6 felony.

Patron - Morgan

PHB1121 **Credit unions; reserves and risk assets.** Replaces the current statutory reserve requirements applicable to credit unions with the reserve requirements established by federal National Credit Union Administration regulation. The bill also repeals the statutory definition of risk assets.

Patron - Bryant

PSB81 **Payments to employees for referrals of settlement service and related businesses.** Provides that an employer may compensate its own bona fide employees for referrals of insurance business. Payments to employees for referrals of insurance business are subject to the conditions that apply generally to exceptions from insurance licensing requirements.

Patron - Wampler

PSB556 **Consumer Real Estate Settlement Protection Act; licensing of settlement agents.** Exempts title insurance companies that have their financial statements audited annually by an independent certified public accountant from the requirement that settlement agents have their escrow accounts audited annually by an independent certified public accountant.

Patron - Stosch

Failed

FHB174 **Money transmission services.** Exempts money transmitters from the requirement that they post a

surety bond if they perform only money transmission services that are originated by business entities.

Patron - Woodrum

FHB372 Real estate settlements; duties of lender. Requires a mortgage lender to provide all loan documents to the settlement agent at least 72 hours prior to closing.

Patron - Athey

FHB1197 Prohibited lending practices. Prohibits any person from engaging in the business of making, arranging or brokering short-term cash advances pursuant to agreements under which consumer checks, share drafts or authorizations to debit accounts of consumers are used as security for such advances, and the payment is deferred until a future designated date.

Patron - Dudley

FSB67 Settlement Agent Lien Release Act. Authorizes a settlement agent who has paid the obligation secured by a mortgage or deed of trust to release the lien by executing and filing a certificate of satisfaction. This procedure is available only if the settlement agent has delivered a notice of intent to release the mortgage and a copy of the payoff letter to the lien creditor and the lien creditor does not within 90 days notify the settlement agent that (i) another release has been recorded, (ii) the obligation secured by the mortgage has not been paid, or (iii) the lien creditor otherwise objects to the release of the mortgage. This optional procedure applies only to transactions involving not more than four residential dwelling units.

Patron - Watkins

Civil Remedies and Procedure

Passed

PHB37 Communications between physicians and patients. Provides that a diagnosis or treatment plan of the practitioner, as documented in the patient's medical record, during the time of the practitioner's treatment, may be disclosed in discovery or in testimony. Only diagnosis offered to a reasonable degree of medical probability will be admissible at trial.

Patron - Howell

PHB81 Remedy for arbitrary refusal of motor vehicle insurance claim. Increases the amount of claims for which the claimant can obtain a judgment for double damages if the insurer arbitrarily refuses the claim to \$3,500. Currently only claims of less than \$2,500 are eligible for double damages if arbitrarily refused.

Patron - Kilgore

PHB257 Appeal of interlocutory orders and decrees by permission. Provides that a party in a civil action may petition for an interlocutory appeal when, prior to the commencement of trial, a circuit court has entered in any pending civil action an order or decree that is not otherwise appealable. The appealing party must file with the circuit court a statement of the reasons why an immediate interlocutory appeal should be permitted on the basis that the order or decree involves a question of law as to which (i) there is substantial ground for difference of opinion, (ii) there is no clear, controlling precedent on point in the decisions of the appellate courts of Virginia, (iii) determination of the issue will be dispositive of a material aspect of the proceeding, and (iv) the court and the parties agree it is in the parties' best interest to seek an

interlocutory appeal. Upon certification by the circuit court, a petition for appeal is filed with the appellate court that would have jurisdiction in an appeal from a final judgment.

Patron - McQuigg

PHB324 Civil liability for drug dealers. Creates a cause of action by which a drug dealer may be sued in tort by the parent or legal guardian of a child who used illegal drugs while under age 18. Recoverable damages include physical and emotional pain and suffering, and treatment, rehabilitation and medical expenses proximately caused by the unlawful use of a controlled substance.

Patron - Griffith

PHB326 Service of certain process on foreign or domestic corporations. Repeals § 8.01-302 of the Code so that general, rather than specific, rules regarding service on corporations are the only ones in effect. Section 8.01-302 provides that for service of process on corporations, process in attachment or garnishment proceedings, and notice by a creditor of judgment obtained and execution thereon may be served on an agent of a foreign or domestic corporation wherever the agent is found in the Commonwealth.

Patron - Griffith

PHB457 Compliance with criminal subpoena. Provides that when a criminal subpoena has been served on a person who is not a party to the action requiring the production of information that is stored in an electronic format, the person shall produce a tangible copy of the information. If a tangible copy cannot be produced, the person shall permit the parties to review the information on a computer or by electronic means during normal business hours, provided that the information can be accessed and isolated. If a tangible copy cannot reasonably be produced and the information is commingled with information other than that requested in the subpoena and cannot reasonably be isolated, the person may file a motion for a protective order or motion to quash.

Patron - Griffith

PHB500 Tort Claims Act; notice. Provides that notice of claim shall be deemed timely filed if it is sent by certified mail, return receipt requested, to one of the appropriate parties and the official receipt for the notice shows the mailing was within the prescribed time limits.

Patron - Albo

PHB547 Virginia Prisoner Litigation Reform Act. Creates a statutory scheme that prisoners must follow in order to file pro se civil actions for money damages or for injunctive, declaratory or mandamus relief. In order to proceed with a suit the prisoner must pay full filing fees and costs unless granted in forma pauperis status; grant of in forma pauperis status would permit payment of filing fees and costs in installments as directed the court. If the prisoner has had no deposits in his inmate trust account for the six months preceding the filing of the action, prepayment of fees and costs are waived but will be taxed at the end of the case. In forma pauperis status must be denied if the prisoner has had three or more cases or appeals dismissed for being frivolous, malicious, or for failure to state a claim, unless the prisoner shows that he is in imminent danger of serious physical injury at the time of filing suit or it would be manifest injustice to deny such status. The prisoner's failure to state his claims in a written motion for judgment plainly stating facts sufficient to support his cause of action, accompanied by all necessary supporting documentation is grounds for dismissal. The court must rule on initial dispositive motions on the record whenever possible rather than holding a hearing. The prisoner may not seek discovery until initial dispositive motions are ruled upon, and then only when he can

demonstrate to the court that his requests are relevant and material to the issues in the case.

Patron - Kilgore

PHB738 Limitations on enforcement of judgments in general district court. Makes it abundantly clear that the enforcement of judgments entered in the general district courts shall be 10 years, unless an abstract of such judgment is docketed in the judgment book of a circuit court. Upon the docketing of such judgment, the limitation for the enforcement of a district court judgment is the same as for a judgment of the circuit court, which is 20 years.

Patron - Barlow

PHB818 Alternative dispute resolution. Amends the general and court-referred mediation statutes to expand provisions regarding confidentiality and liability. The bill also redesignates the existing evaluation session as an orientation session and clarifies and provides detail to existing provisions. The bill also provides that a certified mediator shall be immune from civil liability while engaged in mediation unless the mediator acts in bad faith, with malicious intent or exhibits willful, wanton disregard for the rights of another.

Patron - Almand

PHB819 Identity of persons communicating anonymously over the Internet. Provides a procedure governing certain subpoenas in civil proceedings where it is alleged that an anonymous individual has engaged in tortious Internet communications. This bill is a recommendation of the Study on the Discovery of Electronic Data and has been endorsed by the Judicial Council.

Patron - Almand

PHB922 Exemplary damages for persons injured by intoxicated drivers. Provides that, for the purposes of finding a person liable for punitive damages in a civil lawsuit for injuries caused in an accident involving an intoxicated driver, it must be proven at the time the defendant began drinking alcohol or during the time he was drinking alcohol or when he was operating a motor vehicle he knew or should have known that his ability to operate a motor vehicle, engine or train would be impaired. The current requirement is that at the time the defendant was drinking he knew that he would be operating a motor vehicle.

Patron - Joannou

PHB923 Discovery of medical evidence at trial. Modifies current law provision that when the physical or mental condition of the patient is at issue in a civil action, facts communicated to, or otherwise learned by, such practitioner in connection with such attendance, examination or treatment shall be disclosed by a method other than discovery pursuant to the Rules of Court to provide that no order shall be entered compelling a party to sign a release for medical records from a health care provider unless the health care provider is located outside the Commonwealth or is a federal facility.

Patron - Joannou

PHB924 Exclusive original jurisdictional of general district courts. Raises the original jurisdictional amount of cases in the general district court from \$3,000 to \$4,500.

Patron - Joannou

PHB948 Immunity for volunteer fire and emergency medical services personnel. Adds a definition of "providing fire-fighting or emergency medical services."

Patron - Landes

PHB954 Inmates as witnesses. Allows the court to give the clerk or a deputy clerk of the circuit court the authority to issue transportation orders for inmates to appear in civil and criminal cases. This bill is identical to SB 650.

Patron - Barlow

PHB1001 Custody and visitation. Provides that in any case in which custody or visitation of a minor child is at issue, any information obtained during therapy and the records kept by any licensed mental health care provider concerning a parent shall be privileged and confidential. Additionally, a mental health care provider may not be required to testify on behalf of or against a parent or adult relative of the parent. The bill does not apply when an independent mental health evaluation is conducted pursuant to a court order.

Patron - McDonnell

PHB1185 Health care provider's records. Provides authorized insurers access to copies of a health care provider's records for a reasonable charge.

Patron - Kilgore

PHB1287 High constable. Provides that a high constable may execute a writ of possession for real and personal property and serve a capias or criminal show cause order.

Patron - Purkey

PSB17 Remedies; service of process. Provides that failure to make return of service of process within the required timeframe of 72 hours does not invalidate any service of process or any judgment based thereon. The bill also provides that in the event a late return prejudices a party or interferes with the court's administration of a case, the court may, in its discretion, continue the case, require additional or substitute service of process, or take such other action or enter such order as the court deems appropriate under the circumstances.

Patron - Colgan

PSB316 Civil law; immunity. Provides civil immunity for committee or board members, or consultants thereto, for functions related to patient safety, including entering into contracts with patient safety organizations. The bill also provides that reports or patient safety data in possession of a patient safety organization is confidential and that an employer may not retaliate against employees who make good faith reports to such organizations. As introduced, the bill was a recommendation of the Joint Commission on Health Care.

Patron - Stolle

PSB445 Virginia Fraud Against Taxpayers Act; civil penalty. Establishes a cause of action for false claims for payments or reimbursements against the Commonwealth. The remedy includes a civil penalty of between \$5,000 and \$10,000 plus three times the amount of damages sustained by the Commonwealth. The Attorney General or a private citizen has standing to prosecute the case in the name of the Commonwealth.

Patron - Williams

PSB520 Workers' compensation; third party claims. Provides that when an employer has a subrogation interest in an employee's workers' compensation claim against a third party and the employer fails to consent to a settlement offer acceptable to the employee, the employee may petition the court (stating the compromise) where the action is pending for approval of the settlement. If no action is pending or the action is pending outside the Commonwealth, the petition may be filed in any circuit court in which venue lies as to the employee. The court may approve the settlement and after all

appeals are exhausted and because the employer's subrogation interest has not been compromised, such approval is deemed consent to the settlement by the employer.

Patron - Mims

PSB541 Attorney-issued subpoenas. Authorizes attorneys to issue subpoenas for medical malpractice review panels and claims before the Workers' Compensation Commission cases. The bill also provides that the transmittal sheet is part of the pleadings. There are existing sanctions for improper pleadings, so the sentence requiring that the transmittal sheet be signed under penalty of perjury is removed. The bill deletes the requirement for payment of a five dollar clerk's fee for a subpoena duces tecum for medical records because the attorney is issuing the subpoena instead of the clerk. This bill is a recommendation of the Boyd-Graves Conference.

Patron - Mims

PSB546 Garnishment. Provides that a garnishee has no liability to the judgment creditor for failing to deliver the judgment debtor's property, other than earnings, if the summons does not contain sufficient or accurate information to enable the garnishee to reasonably identify the judgment debtor. If the summons contains either the social security number or taxpayer identification number or the name and address of the judgment debtor as they appear in the records of the garnishee, the summons is deemed to contain information sufficient to reasonably identify the property, and the garnishee shall answer the summoning court and send the judgment debtor a copy of its answer to the court.

Patron - Mims

PSB555 Business damages. Provides that damages for lost profit of a new or unestablished business may be recoverable even though no history of profits can be established.

Patron - Stosch

PSB650 Inmates as witnesses. Allows the court to give the clerk or a deputy clerk of the circuit court the authority to issue transportation orders for inmates to appear in civil and criminal cases.

Patron - Rerras

Failed

FHB120 Category A venue; action against a school board. Provides that in an action involving a vehicle owned or operated by a school board, venue lies in either the jurisdiction in which the school board is located or where the accident occurred.

Patron - Janis

FHB537 Remedies; legal notice. Requires that in order for a legal notice published in a newspaper to meet the statutory standard, it must be published in the Commonwealth of Virginia. A newspaper shall be deemed published in the Commonwealth if it maintains its principal office in the Commonwealth for the purposes of gathering news, soliciting advertisements and determining the newspaper's form and content, and if it is printed in the Commonwealth.

Patron - Devolites

FHB583 Limited liability of railroad corporations. Provides that in any suit for personal injuries, a railroad corporation is not liable for damages to a third party if it is determined that a defendant, other than the railroad corporation, failed to stop at a railroad crossing.

Patron - Ingram

FHB636 Respondeat superior. Provides that in any civil suit for damages in which an employer is alleged liable for the acts of his employee, the employer is liable for the tortious act of his employee if the employee was performing his employer's business and acting within the scope of his employment.

Patron - O'Brien

FHB673 Remedies; service of process. Eliminates the distinction between personal service and substitute service, and includes new forms of process that are to be recognized as valid services of process.

Patron - Watts

FHB703 Communications between physicians and patients. Provides that when the physical or mental condition of the patient is at issue in a civil action, a treating physician may testify to any conclusions he may have that are based upon his training, education, experience and observation of the patient's condition. Under current law, a physician may only testify regarding facts, which has created some confusion in the various courts of the Commonwealth. This bill allows the physician to state his conclusions without testifying to pure opinions. This bill is incorporated into HB 37.

Patron - Armstrong

FHB777 Domestic case guardian ad litem. Provides that if a guardian ad litem is appointed to represent the interests of a child or children in divorce/custody cases originating in the circuit court, the guardian's expenses and fees shall be paid by the Commonwealth.

Patron - Albo

FHB852 Vacating an award under Uniform Arbitration Act. Allows a court to award reasonable attorney's fees in an application to vacate or confirm an arbitration award.

Patron - Albo

FHB1207 Appeal bonds. Provides that no appeal bond is necessary upon appeal for a finding of civil contempt in the juvenile and domestic relations district court.

Patron - Melvin

FSB292 Limitation of civil lawsuits by prisoners. Creates a statutory scheme that prisoners must follow in order to file any suit related to their confinement. The bill substantially limits prisoners' ability to maintain civil lawsuits by prescribing venue, prescreening by the court, prepayment of all costs and fees, limiting discovery, imposing sanctions and specific conditions pursuant to which suit may be filed.

Patron - Norment

FSB662 Exemptions from jury service upon request. Adds certified nurse aides, licensed practical nurses and registered nurses to the persons exempt from jury service upon request.

Patron - Hawkins

Carried Over

CHB400 Civil immunity for certain boards. Adds hospitals to the list of those immune from civil liability while in the performance of duties, including the reliance upon recommendations of hospital committees. Additionally, the bill adds the proceedings, minutes, records and reports of hospital risk managers to the list of privileged communications.

Patron - Weatherholtz

CSB84 Civil immunity. Provides civil immunity for public officials who participate in a program where persons on probation are ordered as a condition of probation to pick up litter along a section of public roadway or waterway, unless there is willful misconduct. The bill also provides that it shall not be interpreted to grant any immunity to a motorist who, by his negligence, may injure such probationer.

Patron - Wampler

CSB307 Uniform Arbitration Act. Revises the original Act, which was promulgated by the National Conference of Commissioners on Uniform State Laws in 1955 and adopted in Virginia in 1986. The Act expressly provides that it is a default act. Most of its provisions may be varied or waived by contract. Provisions that may not be waived or varied include the basic rule that an agreement to submit a dispute to arbitration is valid; the rules that govern disclosure of facts by a neutral arbitrator; the rules guaranteeing enforcement or appeal of the Act, an arbitration agreement or an arbitration decision in a court; or the standards for vacating an award. The Act specifically allows a court to order provisional remedies during the course of an arbitration before an arbitrator is selected. An arbitrator also has an express power to order provisional remedies. The Act allows consolidation of separate arbitration proceedings. The Act specifically addresses disclosure of known facts that give rise to questions of neutrality. The Act provides arbitrators with immunity from civil liability. An arbitrator has the express power to make summary dispositions of claims or issues under appropriate procedures, to hold pre-arbitration proceeding meetings or to use any other discovery process (any process that adduces relevant evidence for the proceeding) applicable to resolution of the dispute. These provisions put arbitrators on the same level as judges in a judicial proceeding with respect to discovery of evidence. The Act expressly permits an arbitrator to give punitive damages or other exemplary relief, "if such an award is authorized by law in a civil action involving the same claim." Attorney's fees may be awarded under the same standard.

Patron - Edwards

CSB540 Anonymous plaintiff. Provides that any party can move for an order concerning the propriety of anonymous participation in a proceeding and lists the factors that the court is to consider in determining whether anonymity can be maintained. The issue may be raised at any stage of the litigation when circumstances warrant a reconsideration of the issue. If the court orders identification, the pleadings and dockets will be amended to reflect the true name back to date of filing. This bill is a recommendation of the Boyd-Graves Conference.

Patron - Mims

CSB558 Dismissal of action by nonsuit. Allows the court to assess jury costs to the nonsuiting party when notice of the nonsuit is exercised at trial or within 24 hours prior to the beginning of trial.

Patron - Stosch

CSB654 Subpoena duces tecum; financial institutions and credit card companies. Provides for a subpoena duces tecum to obtain customer records from financial institutions and credit card issuers for a legitimate law-enforcement reason.

Patron - Mims

Commercial Code / Secured Transactions; Sales of Accounts; Contract Rights and Chattel Paper

Passed

PHB781 Uniform Commercial Code-secured transactions; communication of information. Authorizes any financing statement filing office to comply with its duty to communicate information regarding financing statement filings by providing the requestor with a list of persons who provide private record research services.

Patron - Reese

PHB880 Uniform Commercial Code-secured transactions. Requires an amendment or correction to a financing statement filed in a circuit court clerk's office to include the name and mailing address of the debtor.

Patron - Phillips

PSB184 Uniform Commercial Code-secured transactions. Eliminates references to specific fees for filing financing statements relating to public financing and manufactured housing transactions. The revised UCC Article 9 as adopted in Virginia does not provide separate fees for these types of transactions.

Patron - Colgan

PSB271 Uniform Commercial Code-secured transactions. Requires an amendment or correction to a financing statement filed in a circuit court clerk's office to include the name and mailing address of the debtor.

Patron - Puckett

Failed

FSB611 Uniform Commercial Code-secured transactions. Requires (i) original financing statements to include the debtor's mailing address and (ii) amendments and corrections to financing statements to include the name and mailing address of the debtor.

Patron - Mims

Commonwealth Public Safety

Passed

PHB508 Eligibility for crime prevention specialists. Expands the list of those eligible for training as crime prevention specialists.

Patron - Drake

PHB511 Department of Criminal Justice Services; private security; penalty. Requires each applicant for initial registration, licensure or certification as a compliance agent, private security services training school or instructor or unarmed security officer to submit their fingerprints for the conduct of a criminal records check. The bill also requires an unarmed security officer applying for renewal between January 1, 2003 and December 31, 2004 to submit his fingerprints for

the purpose of a criminal background check. The bill also authorizes the Department to suspend a registration, license or certification based on the conviction of certain misdemeanors or any felony and provides that making a false statement on the fingerprint card shall be a Class 5 felony. In addition, the bill establishes compulsory minimum standards for armored car personnel and exempts from the requirement for licensure, registration or certification persons engaged in the business of a consumer reporting agency as defined by the Federal Fair Credit Reporting Act. This bill is identical to SB 71.

Patron - Drake

PHB520 Virginia Fire Services Board; membership. Provides that the members of the Fire Services Board representing the State Fire Chiefs Association of Virginia, the Virginia Firemen's Association, the Virginia Association of Professional Firefighters, the Virginia Fire Service Council, the Virginia Fire Prevention Association, and the State Chapter of the International Association of Arson Investigators be members of the organizations that they are representing.

Patron - Devolites

PHB839 Thermal Imaging Camera Advisory Board and Fund. Establishes the Thermal Imaging Camera Fund administered by the Department of Fire Programs to assist local fire departments, other fire services organizations and local governments to purchase thermal imaging cameras.

Patron - Thomas

PHB1053 Powers and duties of the Department of Criminal Justice Services. Expands the compulsory training standards for basic training and recertification of law-enforcement officers and the statewide guidelines for policing programs to include sensitivity to cultural diversity and the potential for biased policing. The bill authorizes the Department to publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the potential for biased policing.

Patron - Melvin

PSB71 Private security services. Requires each applicant for initial registration, licensure or certification as a compliance agent, private security services training school or instructor or unarmed security officer to submit his fingerprints for the conduct of a criminal records check. The bill also requires an unarmed security officer applying for renewal between January 1, 2003 and December 31, 2004 to submit his fingerprints for the purpose of a criminal records check. The bill also authorizes the Department to suspend a registration, license or certification based on the conviction of certain misdemeanors or any felony and provides that making a false statement on the fingerprint card shall be a Class 5 felony. In addition, the bill establishes compulsory minimum standards for armored car personnel and exempts from the requirement for licensure, registration or certification persons engaged in the business of a consumer reporting agency as defined by the Federal Fair Credit Reporting Act. This bill is identical to HB 511.

Patron - Reynolds

PSB222 Commonwealth Medal of Valor. Establishes the Commonwealth Public Safety Medal of Valor Board to recommend to the Governor any public safety officers to receive the Commonwealth Public Safety Medal of Valor as the highest award for valor by a public safety officer conferred by the Commonwealth.

Patron - Stolle

Failed

FHB222 Sheriffs; grievances. Includes deputy sheriffs under the Law-enforcement Officers Procedural Guarantee Act.

Patron - Carrico

FHB962 Appropriations for law enforcement expenditures of local governments. Provides that any increase or decrease in HB 599 funding for law-enforcement expenditures of local governments shall equal the anticipated increase or decrease in total general fund revenue collections for the relevant fiscal year as provided in the general appropriations act for the biennium. Any changes in anticipated total general fund revenue collections as provided through amendments to the biennial budget in an odd year or as provided in the caboose bill shall have no effect on the percentage change in HB 599 funding. The percentage increase or decrease in HB 599 funding shall be determined solely from the general appropriations act that is passed prior to the beginning of the biennium. The bill also requires that HB 599 funding in the Governor's budget bill shall increase or decrease in the relevant fiscal year by the percentage change in anticipated total general fund revenue collections for such fiscal year as forecasted in the Governor's budget bill.

Patron - Almand

FHB1275 Department of Criminal Justice Services; certain information to be held confidential. Provides that neither the Department nor its employees shall release personal information, as defined in § 2.2-3801, submitted to the Department by private security services business regulants for the purpose of obtaining or renewing a license, certification or registration. The bill provides that nothing shall be construed to prohibit the release or publication of aggregate statistical information in a form that does not reveal the identity of such persons, except that access shall not be denied to the person who is the subject thereof. The bill also cross references this exemption from mandatory disclosure in the Freedom of Information Act.

Patron - Rust

FSB304 Crime Prevention in Minority Communities Program and Fund. Creates the Crime Prevention in Minority Communities Program and Fund, consisting of five urban inner-city minority communities with high crime rates and attendant social and economic problems. The Board of Criminal Justice Services is required to develop the Program and the Department of Criminal Justice Services must administer the Program and Fund. An advisory committee, whose members must represent a multi-disciplinary network of persons and organizations with expertise, experience, and interest in preventing and reducing crime in the minority community, is charged to assist the Department with the Program. State-funded grants are to be awarded to eligible communities on a competitive basis through the issuance of a request for proposals. Such communities are required to engage in various activities and perform several tasks directed toward community involvement, consensus building, dispelling myths about minorities, and preventing and reducing crime in the minority community. Further, eligible communities must also encourage the cooperation and participation of residents in the Program, and engage business and industry, minority community organizations and professional associations, the religious community, citizens, and local agencies in the community in fighting crime. This bill, substantially revised, was the recommendation of the Joint Subcommittee Studying the Status and Needs of African-American Males in Virginia in 1999.

Patron - Edwards

Carried Over

CHB399 **Creating the Law Enforcement Electronic Command and Control Improvement Program; communication system improvement grant.** Creates the Law Enforcement Electronic Command and Control Improvement Program and Fund to be administered by the Department of Criminal Justice Services. Under the bill, eligible police departments would receive matching grant funds up to \$10,000 based on funds expended in the previous fiscal year to improve and modernize their communications system.

Patron - Lingamfelter

CHB403 **Department of Criminal Justice Services; exemption from registration.** Eliminates the exemption from registration as a private security service business any natural person otherwise required to be registered pursuant to § 9.1-139 who is employed by a business that is not a private security services business for the performance of his duties for his employer.

Patron - Weatherholtz

CHB506 **Right to counsel during investigations of law-enforcement officers and firefighters.** Provides that during investigation or interrogation, law-enforcement officers, firefighters and emergency medical technicians shall have the right to be represented by counsel at all stages of the proceedings.

Patron - Drake

CHB1225 **Regulation of bail recovery agents aka bounty hunters.** Defines a "bail recovery agent," also called a "bounty hunter," as any person employed for the purpose of apprehending either the principal on a bail bond or any fugitive from justice who has been released on bail. The bill also sets forth the requirements, set by the Department of Criminal Justice Services, for licensure (including mandatory training and insurance or bond) of such agents and limits on their activities. Currently, bail recovery agents are unregulated. The bill provides that no person shall be employed or act as a bail recovery agent in the Commonwealth without having first obtained a license from the Department on or before July 1, 2003.

Patron - Scott

CSB394 **Appropriations for law enforcement expenditures of local governments.** Provides that any increase or decrease in HB 599 funding for law-enforcement expenditures of local governments shall equal the anticipated increase or decrease in total general fund revenue collections for the relevant fiscal year as provided in the general appropriations act for the biennium. Any changes in anticipated total general fund revenue collections as provided through amendments to the biennial budget in an odd year or as provided in the caboose bill shall have no effect on the percentage change in HB 599 funding. The percentage increase or decrease in HB 599 funding shall be determined solely from the general appropriations act that is passed prior to the beginning of the biennium. The bill also requires that HB 599 funding in the Governor's budget bill shall increase or decrease in the relevant fiscal year by the percentage change in anticipated total general fund revenue collections for such fiscal year as forecasted in the Governor's budget bill.

Patron - Whipple

CSB516 **Line of Duty Act; definition of disabled employee.** Amends the definition of "disabled employee" to include any person who has become mentally or physically

incapacitated on or after April 8, 1972, as a direct or proximate result of the performance of his duty.

Patron - Norment

Conservation

Passed

PHB2 **Tennessee-Virginia Bi-State Thermal Authority.** Repeals the Authority because it has not been activated. This bill is a recommendation of the Virginia Code Commission.

Patron - Landes

PHB49 **Soil and water conservation districts; district boards of directors and terms of office.** Provides for four-year, rather than three-year, terms of office for elected and appointed directors. Elections will be held in November 2003 and each fourth year thereafter. The bill provides for the transition to the new schedule, the extension of certain terms of office, appointments to fill vacancies, and specific terms for directors appointed by the Virginia Soil and Water Conservation Board. This bill is identical to SB 114.

Patron - Sherwood

PHB137 **Confederate Cemeteries; Ettrick Cemetery.** Adds the Ettrick Cemetery in Chesterfield County, which maintains 47 Confederate graves, to the list of those entities receiving funds from the Department of Historic Resources for the care of such graves. This bill is identical to SB 69.

Patron - Cox

PHB147 **Wilderness Road State Park.** Authorizes the Department of Conservation and Recreation to build and enter into contracts to build an interpretive 1775 fort utilizing the construction techniques of the period, and exempts such construction from state and local building codes. The bill also authorizes the Department to enter into a lease agreement for the construction and operation of the facility.

Patron - Kilgore

PHB148 **Landfill closures.** Allows municipal solid waste landfills utilizing double synthetic liner systems that had been permitted between December 21, 1988, and October 9, 1993, by the Department of Environmental Quality, to continue to accept solid waste after 2020. Currently, no municipal solid waste landfills can continue to accept waste after 2020 that have not been equipped with the new liner system approved in the permits issued after October 9, 1993. The bill would allow the Wise County landfill to accept waste after 2020. This bill is identical to SB 82.

Patron - Kilgore

PHB178 **Flood assistance fund.** Expands the uses of the Flood Prevention and Protection Assistance Fund to include the awarding of grants or loans to public bodies owning dams and the awarding of loans to private dam owners to assist in paying the costs of modifications in the dam's design, or repairs to or maintenance of the dam. Currently, the fund distributes grants and loans to local public bodies for the development and implementation of flood prevention or protection projects or studies as part of a required federal match.

Patron - Sherwood

PHB211 **Boundaries of soil and water conservation districts.** Requires the Virginia Soil and Water Conservation

Board to consider funding as one of the factors in establishing boundaries of a new soil and water conservation district.

Patron - O'Bannon

PHB448 Notice of timber harvesting; penalty. Requires the commercial timber-harvesting operator to notify the State Forester prior to completion but not later than three working days after commencement of a harvesting operation. If he fails to provide the notice, the State Forester is authorized to assess a civil penalty of \$250 for the initial violation and up to \$1,000 for any subsequent offense occurring within a 24-month period. Currently an owner or operator is required to give notice prior to or not later than three working days after the commencement of the operation; however, there is no penalty for not providing such notification.

Patron - Dillard

PHB463 Brownfield Restoration and Land Renewal Act. Consolidates and reorganizes existing provisions related to brownfields restoration in order to simplify public access to this information and facilitate its use. The Act contains specific liability protections for bona fide prospective purchasers, innocent landowners and adjacent landowners. These provisions track those provided in the federal act. The bill also creates the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund to be administered by the Virginia Resources Authority. The Fund will consist of moneys appropriated to it by the General Assembly and such other sums as may be made available to it from any other sources. Local governments, all eligible to receive grants and loans from the fund, and businesses may receive loans for the purposes of promoting the restoration and redevelopment of brownfield sites and to address environmental problems or obstacles to reuse so that these sites can be effectively marketed to new economic development prospects.

Patron - Suit

PHB870 Clinch-Guest Scenic River. Extends the scenic river designation to approximately 9.2 miles of the Clinch River. The change in the name of the designated river from the Guest to the Clinch-Guest Scenic River reflects the inclusion of a segment of the Clinch River in the scenic designation. The bill also adds at least one riparian landowner on the Clinch River to the advisory committee.

Patron - Phillips

PHB919 Department of Historic Resources; maintenance of Revolutionary War graves. Establishes a program to assist in the maintenance of Revolutionary War graves that is similar to the program for Confederate graves.

Patron - Griffith

PHB1144 Commonwealth of Virginia Park and Recreational Bond Act of 2002. Authorizes the issuance of Commonwealth of Virginia Park and Recreational Facilities Bonds pursuant to Article X, Section 9 (b) of the Constitution of Virginia in an amount not exceeding \$119,040,000, subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 5, 2002, general election. The purpose of the bonds is to provide funds for numerous capital projects at state parks. The full faith and credit of the Commonwealth is pledged for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill shall not become effective, and no bonds shall be issued, unless

and until voter approval is obtained. This bill is identical to SB 672.

Patron - Dillard

PHB1168 Silvicultural activities; issuance of special orders. Allows special orders to be issued after the owner or operator has been given the opportunity for a hearing. Currently, a special order can only be issued after a hearing.

Patron - Hogan

PHB1257 Waste and water permit fees. Directs the Virginia Waste Management Board to develop new permit fee schedules sufficient to cover no more than 20 percent of the direct costs of the hazardous and solid waste programs, using as the base the amounts allocated to these programs in the 2002 Appropriation Act; however, no individual permit fee can increase more than 300 percent. The bill also triples the statutory caps on water permit fees. There is a July 1, 2004, sunset on the new fee structure. This bill is identical to SB 592.

Patron - Dillard

PHB1258 State Forester notification. Authorizes the State Forester to recommend corrective measures and a time period for an owner or operator of a forestry operation to implement the measures in order to prevent, mitigate or eliminate an action causing or likely to cause pollution. If the owner or operator fails to take action, the State Forester is required to issue a special order.

Patron - Dillard

PHJ181 Solid Waste Interstate Transportation Act of 2001. Urges Congress to enact the Solid Waste Interstate Transportation Act of 2001 (HR 1213), incorporating amendments proposed by the Congresswoman representing Virginia's First Congressional District, that gives local and state governments the additional specific authority to regulate the importation of solid waste in their jurisdictions.

Patron - Pollard

PSB69 Department of Historic Resources; care of Confederate cemeteries and graves. Adds the Ettrick Cemetery in Chesterfield County, which maintains 47 Confederate graves, to the list of those entities receiving funds from the Department of Historic Resources for the care of such graves. This bill is identical to HB 137.

Patron - Watkins

PSB82 Landfill closures. Allows municipal solid waste landfills utilizing double synthetic liner systems that had been permitted between December 21, 1988, and October 9, 1993, by the Department of Environmental Quality to continue to accept solid waste after 2020. Currently, no municipal solid waste landfills can continue to accept waste after 2020 that have not been equipped with the new liner system approved in the permits issued after October 9, 1993. This bill would allow the Wise County landfill to accept waste after 2020. This bill is identical to HB 148.

Patron - Wampler

PSB114 Soil and water conservation districts; district boards of directors and terms of office. Provides for four-year, rather than three-year, terms of office for elected and appointed directors. Elections will be held in November 2003 and each fourth year thereafter. The bill provides for the transition to the new schedule, the extension of certain terms of office, appointments to fill vacancies, and specific terms for directors appointed by the Virginia Soil and Water Conservation Board. This bill is identical to HB 49.

Patron - Bolling

PSB146 Property conveyance. Authorizes the Department of Conservation and Recreation to accept from The Trust for Public Land approximately 45 acres in James City County. This property will be included as property within York River State Park. The bill includes an emergency provision.

Patron - Norment

PSB249 Occoneechee State Park. Authorizes the Department of Conservation and Recreation to amend a lease with the Secretary of the Army for the purpose of providing additional recreational facilities, not to be operated by the Department, at Occoneechee State Park in Mecklenburg County. The amendment is subject to the Administrative Process Act and must be included in the park's master plan. The bill limits any further sublease of the property to public entities, subject to the approval of the Department, Governor and Attorney General. The authority granted in this bill will expire on July 1, 2004, unless the amendment has been adopted by that time.

Patron - Ruff

PSB301 Foresters; title protection. Prohibits any person from using the title "forester" unless he possesses a degree from a college or university in a curriculum accredited by the Society of American Foresters. The bill also defines "forestry" as the science, art and practice of creating, managing, using and conserving forests and associated resources for human benefit and in a sustainable manner to meet desired goals, needs, and values. The bill provides injunctive relief to restrain the invalid use of the title of "forester." The bill does not prohibit (i) any person from performing forestry functions if the person does not represent himself to the public as being a forester, or (ii) an employee of a forester from performing forestry services, (iii) the practice of any profession that is regulated by a state board. The bill "grandfathers" those persons who supply the Department of Forestry documentation showing they have engaged in forestry practices for at least 10 years.

Patron - Deeds

PSB592 Waste and water permit fees. Directs the Virginia Waste Management Board to develop new permit fee schedules sufficient to cover no more than 20 percent of the direct costs of the hazardous and solid waste programs, using as the base the amounts allocated to these programs in the 2002 Appropriation Act; however, no individual permit fee can increase more than 300 percent. The bill also triples the statutory caps on water permit fees. There is a July 1, 2004, sunset on the new fee structure. This bill is identical to HB 1257.

Patron - Hanger

PSB672 Commonwealth of Virginia Park and Recreational Bond Act of 2002. Authorizes the issuance of Commonwealth of Virginia Park and Recreational Facilities Bonds pursuant to Article X, Section 9 (b) of the Constitution of Virginia in an amount not exceeding \$119,040,000, subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 5, 2002, general election. The purpose of the bonds is to provide funds for numerous capital projects at state parks. The full faith and credit of the Commonwealth is pledged for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill

shall not become effective, and no bonds shall be issued, unless and until voter approval is obtained.

Patron - Chichester

PSB675 Department of Historic Resources; disbursements for Confederate cemeteries and graves. Adds the New Monmouth Presbyterian Church and the New Providence Presbyterian Church in the County of Rockbridge, which maintain 80 and 98 Confederate graves, respectively, to the list of those entities receiving funds from the Department of Historic Resources for the care of such graves.

Patron - Deeds

PSJ159 Conservation of open space. Requests the Secretary of Natural Resources to examine options for providing a stable source of funding for conservation of open space. Such examination shall include an evaluation of options for additional grant support and public-private partnerships, and other issues as the Secretary may deem appropriate. This resolution is identical to HJR 255.

Patron - Deeds

Failed

FHB176 Virginia Outdoors Foundation membership. Increases the number of Virginia Outdoors Foundation trustees from seven to 11 and staggers the terms of the new members appointed in 2002. The bill changes the appointing authority by reducing the Gubernatorial appointments from seven to six members and has the Speaker appoint three members and the Senate Committee on Privileges and Elections appoint two members.

Patron - Albo

FHB387 Air, water and solid waste standards. Requires the environmental policy boards, the Air Pollution Control Board, the State Water Control Board, and the Solid Waste Management Board, to find that there is scientific and technological evidence indicating that any proposed regulation establishing standards for air emissions, water quality and solid waste can be met by a permit holder. Such regulations shall not be adopted unless such a finding is made by the appropriate board. The finding shall be in the form of a written certification by the appropriate board and shall be published by the Registrar of Regulations at the time that the proposed regulation is also published. In addition, the environmental policy boards, the Air Pollution Control Board, the State Water Control Board, and the Solid Waste Management Board, in adopting standards, are required to give due consideration to economic impact analyses prepared for such proposed standards by the Virginia Department of Planning and Budget.

Patron - Wardrup

FHB389 Tributyltin; State Water Control Board to establish schedules for compliance with numerical effluent limitations for tributyltin included in permits issued by the Board. Provides that the State Water Control Board shall establish schedules requiring compliance on and after January 1, 2008, with numerical effluent limitations for tributyltin (TBT) included in any Virginia Pollution Discharge Elimination System Permit issued by the Board. The Board shall not assess any penalty, prior to January 1, 2008, relating to numerical effluent limitations for TBT, but any person or entity holding a permit with numerical effluent limitations for TBT shall comply with all other permit conditions and applicable regulatory requirements. The bill also provides that beginning January 1, 2008, the Department of Environmental Quality shall assess all penalties and pursue all remedies available under law

upon any person in violation of a numerical effluent limitation for TBT included in a permit issued to him.

Patron - Wardrup

FHB391 Tree conservation ordinance; designated species. Grants localities the authority to adopt ordinances regulating the preservation and removal of "designated species." "Designated species" means any species of tree that has been designated by the local governing body to have notable historic, cultural or ecological value to a specific area.

Patron - Wardrup

FHB791 Silvicultural practices; authority of local government. Grants local governments the authority to require a permit or impose a fee for certain silvicultural activities that are (i) conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester, and (ii) located on a property defined as real estate devoted to forest use or in an agricultural and forestal district. Such silvicultural activities include, but are not limited to, the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation.

Patron - Bolvin

FHB820 Air Quality Monitoring Station. Requires the Virginia Air Pollution Control Board to establish an air quality monitoring station in New River Valley, to be located within either Montgomery County or the City of Radford.

Patron - Nutter

FHB856 Landfill closure requirements; exception. Creates exception from landfill closure requirements for municipal solid waste landfills utilizing double synthetic liner systems pursuant to permits issued between December 21, 1988, and October 9, 1993. Currently, no municipal solid waste landfill can continue to accept waste after 2020 unless equipped with the new liner system pursuant to a permit issued by the Department of Environmental Quality after October 9, 1993. The bill would allow the Wise County landfill to accept waste after 2020.

Patron - Phillips

FHB1220 Commonwealth of Virginia Environmental Stewardship Bond Act of 2002. Authorizes the issuance of Commonwealth of Virginia Environmental Stewardship Bonds pursuant to Article X, Section 9 (b) of the Constitution of Virginia in an amount not exceeding \$488,495,075, subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 5, 2002, general election. The purpose of the bonds is to provide funds for capital projects for (i) biological nutrient removal at sewage treatment facilities, (ii) rehabilitation to dams owned by soil and water conservation districts, (iii) combined sewer overflow projects, (iv) renovation of state parks and acquisition of real estate for parks, and (iv) acquisition of permanent interests in real estate for conservation purposes. The full faith and credit of the Commonwealth is pledged for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill shall not become effective, and no bonds shall be issued, unless and until voter approval is obtained.

Patron - Albo

FHJ260 Occoquan Watershed. Commends the Fairfax County Board of Supervisors for creating the Occoquan Watershed and expresses the General Assembly's support for

those who work to keep the watershed pristine and its opposition to attempts to permit or require paved trails in the watershed.

Patron - O'Brien

FSB147 Tributyltin; State Water Control Board to establish schedules for compliance with numerical effluent limitations for tributyltin included in permits issued by the Board. Provides that the State Water Control Board shall establish schedules requiring compliance on and after January 1, 2008, with numerical effluent limitations for tributyltin (TBT) included in any Virginia Pollution Discharge Elimination System Permit issued by the Board. The Board shall not assess any penalty, prior to January 1, 2008, relating to numerical effluent limitations for TBT, but any person or entity holding a permit with numerical effluent limitations for TBT shall comply with all other permit conditions and applicable regulatory requirements. The bill also provides that beginning January 1, 2008, the Department of Environmental Quality shall assess all penalties and pursue all remedies available under law upon any person in violation of a numerical effluent limitation for TBT included in a permit issued to him.

Patron - Norment

FSB563 Commonwealth of Virginia Environmental Stewardship Bond Act of 2002. Authorizes the issuance of Commonwealth of Virginia Environmental Stewardship Bonds pursuant to Article X, Section 9 (b) of the Constitution of Virginia in an amount not exceeding \$488,495,075, subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 5, 2002, general election. The purpose of the bonds is to provide funds for capital projects for (i) biological nutrient removal at sewage treatment facilities, (ii) rehabilitation to dams owned by soil and water conservation districts, (iii) combined sewer overflow projects, (iv) renovation of state parks and acquisition of real estate for parks, and (iv) acquisition of permanent interests in real estate for conservation purposes. The full faith and credit of the Commonwealth is pledged for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill shall not become effective, and no bonds shall be issued, unless and until voter approval is obtained.

Patron - Bolling

FSB621 Waste and water permit fees. Directs the Virginia Waste Management Board and the State Water Control Board to develop new permit fee schedules that reflect that portion of the agency's cost of implementing its waste management and water permit programs that are not covered by general fund appropriations and federal grants. Currently, the permit fees are based on costs of processing the permit application. The bill also removes the statutory caps on the various water permits and leaves it to the State Water Control Board to set the fee based on program implementation costs. This bill is incorporated into SB 592.

Patron - Ticer

Carried Over

CHB87 Land-disturbing activities. Limits to Chesterfield County provisions passed in 2001 that require the person who will be in charge of and responsible for carrying out land-disturbing activities to have a certificate of competence issued by the Board of Soil and Water Conservation.

Patron - Orrock

CHB234 Establishing the Public Beach Maintenance and Development Fund. Expands the purposes of a current fund that awards matching grants to local governments to pay the costs of erosion abatement measures. The newly established Public Beach Maintenance and Development Fund will also provide grants for the construction or maintenance of public beach-related support structures or facilities and the creation or restoration of beach landscapes. Up to \$200,000 per year of the money in the Fund could be used to pay the costs of administering the program. Currently, no grant can exceed 30 percent of the money appropriated to the fund for the biennium. This bill would allow up to 60 percent of the money in the fund in any fiscal year to be awarded to a locality. The Fund would be, in part, capitalized by the dedication of \$5 million from the portion of the recordation tax collections that exceed \$94.1 million.

Patron - Gear

CHB935 Regulation of land-disturbing activity; submission and approval of control plan. Requires those who engage in land-disturbing activities requiring an approved erosion and sediment control plan to have an individual holding a certificate of competence issued by the Virginia Soil and Water Conservation Board on-site during the land-disturbing activity, and incorporates "conducting land-disturbing activities" as a specified subject area of certificates of competence.

Patron - Morgan

CHB1134 State Archaeologist. Establishes the position of State Archaeologist. This person would assist the Director of Historic Resources by coordinating and overseeing those activities necessary to carry out the Virginia Antiquities Act.

Patron - Dillard

CHB1339 Land conveyance. Authorizes the Virginia Department of Conservation and Recreation to accept, on behalf of the Commonwealth, a conveyance from The Conservation Fund of 16 miles of an abandoned railroad right-of-way in King George County. This property will be developed as a rails-to-trail project and will be managed by the Department of Conservation and Recreation.

Patron - Pollard

CSB389 Air quality monitoring and reporting. Increases air quality monitoring to obtain base-line data in current attainment areas so if new industry is proposed, the impacts can be estimated. This bill requires the Department of Environmental Quality (DEQ) to develop a plan to (i) study the cumulative environmental impacts of proposed electrical generating facilities; (ii) fund such a study through the use of federal, state, or private monies; and (iii) collect data for such a study by increasing the number of ozone monitoring stations. To the extent funding is available for such a study, this bill directs DEQ to place ozone monitoring stations in the regions of greatest permitting activity, gather appropriate data, conduct the study, and report the results to the Chairmen of the Senate Agriculture, Conservation and Natural Resources Committee and the House Agriculture, Chesapeake and Natural Resources Committee annually.

Patron - Whipple

CSB489 Senior citizen entry fees to state parks. Establishes a lifetime admission permit to state parks for any persons 62 years of age or older who apply and pay a one-time charge of \$10.

Patron - Newman

CSB515 Landfill closure requirements; exemption. Exempts any municipal solid waste landfill having a year 2000

average daily volume of less than 25 tons per day from the priority closure schedule developed by the Department of Environmental Quality pursuant to the Virginia Landfill Clean-up and Closure Fund, unless such a landfill poses a substantial present or potential hazard to human health or the environment as determined by the Virginia Waste Management Board.

Patron - Ruff

CSB617 Erosion and sediment control law; certificate of competence. Grants plan-approving authorities the option to waive the certificate of competence requirement for land-disturbing activity for agreements in lieu of a plan. Currently, all plan-approving authorities must require that the name of an individual, who holds a certificate of competence and who will be in charge of and responsible for carrying out the land-disturbing activity, be provided for both erosion and sediment control plans and agreements in lieu of a plan. An agreement in lieu of a plan is a contract between the plan-approving authority and the landowner used for ensuring proper implementation of conservation measures during construction of a single-family residence.

Patron - Deeds

Contracts

Passed

PSB140 Credit card, debit card and other payment device numbers; receipts. Prohibits certain persons from printing certain numbers or the expiration date of a credit card, debit card or other payment devices on receipts. This bill applies to all new electronic devices in service by July 1, 2003. For all other devices in service prior to July 1, 2003, the provisions apply on July 1, 2005. Violators of this section shall be liable for damages caused to the cardholder or other payment device holder due to the use of the card or other payment device with the cardholder's or other payment device holder's permission.

Patron - Ticer

Failed

FHB1361 Contract for extraction of stem cells. Provides that all contracts or any provision within a contract promising payment for the extraction of embryonic stem cells shall be against the public policy of the Commonwealth and shall be void and unenforceable. The bill defines stem cell.

Patron - Nutter

Corporations

Passed

PHB942 Notice and voting by electronic transmission. Allows meeting notices for stock and nonstock corporations to be given by electronic transmission. Votes of shareholders or members, as appropriate, may be submitted by electronic transmission if authorized by the corporation's board.

Patron - Morgan

PHB997 Limited liability companies. Provides for the electronic transmission of consents and proxies by mem-

bers and managers of limited liability companies (LLCs). Other amendments to the Virginia Limited Liability Company Act (i) provide for member agreements regarding access to an LLC's records; (ii) enable courts to appoint liquidating trustees for LLCs that are judicially dissolved; (iii) exclude distributions made to managers and members from calculations of cash compensation made in connection with limits on liability; and (iv) clarify that a member's ability to dissociate from an LLC by submitting a resignation notice is available only if resignation of a member is provided for in the articles of organization or an operating agreement.

Patron - McDonnell

PHB1315 Professional license taxation; professional corporations and professional limited liability companies. Repeals provisions governing the determination of the revenue tax liability of shareholders in a professional corporation and members of a professional limited liability company.

Patron - Crittenden

PSB185 Virginia Stock Corporation Act. Requires articles of amendment to state, when applicable, the reason shareholder approval of the amendment was not required. Articles of restatement that are approved without shareholder approval are required to state whether the restatement includes an amendment to the corporation's articles. Foreign corporations are required to state their real names on the application for a certificate of authority, and if such a corporation is required to use a designated name in lieu of its real name, it must state its proposed designated name. The measure also corrects an incorrect citation.

Patron - Colgan

PSB241 Professional corporations. Allows professional corporations to include in their name the designations "PC," "professional corporation" or "a professional corporation." Currently, they may only use the initials "P.C." The measure also clarifies that the professional corporation designation shall not be considered in determining name availability. Other changes correct Code references and update terminology.

Patron - Wampler

PSB242 Virginia Nonstock Corporation Act. Authorizes incorporators to amend the articles of incorporation of a nonstock corporation if it has no members or directors. Other changes to the Nonstock Corporation Act (i) require articles of amendment to include a statement setting forth the reason member or director approval was not required and that any other required approval was obtained; (ii) require articles of restatement to state whether the restatement includes an amendment when approved by the directors without member action; and (iii) correct erroneous Code citations.

Patron - Wampler

PSB243 Limited liability companies; professional limited liability companies. Clarifies who must authenticate the records of a foreign limited liability company and that a foreign limited liability company's designated name must be stated on an application for registration. The payment of outstanding penalties is made a prerequisite to the filing of limited liability company documents. A partnership or limited partnership that is converting to a limited liability company is required to include in its articles of organization the date and place of its original filing. The measure also allows a professional limited liability company to use the phrase "professional limited company" or "professional limited liability company" in its name while clarifying that such phrases are disregarded when determining name availability.

Patron - Wampler

PSB254 Corporations; domestication and conversion; fees. Changes from July 1, 2002, to February 1, 2002, the effective date of legislation enacted in 2001 that adopted certain Revised Model Business Corporations Act procedures. However, only domestic corporations that were incorporated before July 1, 1970, and that are authorized to issue 5,000 or more shares may convert to limited liability company status prior to July 1, 2002. This bill has an emergency clause.

Patron - Wampler

PSB512 Virginia Business Trust Act. Authorizes the formation of business trusts in the Commonwealth, and repeals existing provisions regarding real estate investment trusts. Business trusts are unincorporated, perpetual, limited liability legal entities that may be formed to conduct any lawful business.

Patron - Stosch

Counties, Cities and Towns

Passed

PHB61 Courthouses; construction and repair. Requires a panel to determine that a danger to health, welfare, and safety of court employees or the public exists before a judge can issue an order requiring a county or city to construct a new courthouse or to repair or secure an existing courthouse.

Patron - Morgan

PHB106 Posting of certain statement. Authorizes boards of supervisors and city or town councils to post prominently in a conspicuous place in their primary local government administrative building for all citizens to read the phrase "In God We Trust," which is the national motto of the United States pursuant to 36 U.S.C. § 186 (1999). In addition, the Office of the Attorney General is required to intervene on behalf of local governments and to provide legal defense of this provision. An enactment clause authorizes local governments to accept contributions in cash or in-kind from any person (defined to include individuals, companies, organizations, and other legal entities) to defray the costs of implementing this provision.

Patron - Marshall, R.G.

PHB124 Mandatory provisions of subdivision ordinances. Clarifies that "such facilities" refers to facilities specifically mentioned in the statute.

Patron - Hull

PHB182 Local advisory boards; compensation. Raises the amount that localities can compensate members of advisory boards from \$50 to \$75 for regular meetings, not to exceed one meeting per month. Also, localities may provide compensation for training.

Patron - Parrish

PHB185 Tree canopy bank. Provides that certain localities may by ordinance provide for an off-site tree canopy bank to meet a portion of a development's tree canopy requirements in instances where its local ordinance allows for reasonable exceptions to or deviations from standard tree canopy requirements during the development process. This bill is identical to SB 76.

Patron - Parrish

PHB225 Liens for local water and sewer charges; Goochland County. Allows Goochland County to provide that charges for water or sewers or use thereof shall be a lien on the real estate served by such waterline or sewer. Where residential rental real estate is involved, no lien shall attach (i) unless the user of the water or sewer services is also the owner of the real estate or (ii) unless the owner of the real estate negotiated or executed the agreement by which such water or sewer services were provided to the property.

Patron - Janis

PHB227 Service districts; property assessment. Provides that any locality imposing a tax pursuant to service district authority may base the tax on the full assessed value of the taxable property within the service district, notwithstanding any special use value assessment of property within the service district for land preservation, provided the owner of such property has given written consent. This bill is identical to SB 275.

Patron - Janis

PHB344 Open-space special districts. Allows local governments to create, by ordinance, a service district with the authority to acquire interests in real property in order to preserve open-space land. Currently, such service districts are limited to purchasing development rights that are to be dedicated as easements for conservation and open-space purposes.

Patron - Albo

PHB346 Clustering of single-family dwellings so as to preserve open space. Provides that a locality may provide in its zoning or subdivision ordinance standards, conditions and criteria for clustering of single-family dwellings and the preservation of open space developments. In establishing such standards, conditions and criteria, the governing body may include any provisions it determines appropriate to ensure quality development, preservation of open space and compliance with its comprehensive plan and land use ordinances. If proposals for clustering of single-family dwellings and the preservation of open space developments comply with the locality's adopted standards, conditions and criteria, the development and open space preservation shall be permitted by right under the local subdivision ordinance. The implementation and approval of the cluster development and open space preservation shall be done administratively by the locality's staff and without a public hearing. No local ordinance shall require that a special exception, special use, or conditional use permit be obtained for such developments. However, any such ordinance may exempt developments of two acres or less. In any instance where the proposed density is greater than the density permitted in the applicable land use ordinance, the locality may continue to require approval of a special exception, special use permit, conditional use permit or rezoning. Localities that currently provide for clustering of single-family dwellings upon approval of a special exception shall have until July 1, 2004, to comply with the provisions of this bill.

Patron - Albo

PHB349 Immunity from annexation. Prohibits cities from commencing an annexation under provisions allowing property owner-initiated annexations. Such actions are currently prohibited by the annexation moratorium imposed under § 15.2-3201.

Patron - Rapp

PHB377 Service districts; nuisance animals. Allows the Town of Front Royal, through its service district, to construct, maintain and operate facilities, equipment and programs as may be necessary or desirable to control, eradicate and pre-

vent the infestation of rats and removal of skunks and the conditions that harbor them.

Patron - Athey

PHB474 Volunteer inspectors in certain cities. Allows the City of Chesapeake to utilize supervised trained and qualified volunteers to issue notices of noncompliance for certain types of property maintenance and zoning violations. Currently, only the City of Virginia Beach has such authority.

Patron - Suit

PHB477 Advertisement of zoning amendments. Amends the existing advertisement requirements for certain zoning amendments to include changes to the applicable zoning ordinance text regulations affecting use or development density.

Patron - Suit

PHB479 Boards of zoning appeals. Allows an alternate member of the board to be appointed for votes in which a regular member will have to abstain.

Patron - Suit

PHB495 Preliminary subdivision plat approval. Provides that once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plot for all or a portion of the property within one year of such approval and (ii) thereafter diligently pursues approval of the final subdivision plot.

Patron - Orrock

PHB566 Mutual aid agreements for law enforcement. Allows localities and other law-enforcement entities in noncontiguous localities, excluding agencies of state-supported institutions of higher learning, to enter into mutual aid agreements. The current law requires entities to have contiguous boundaries. This bill is identical to SB 493 and HB 894.

Patron - Byron

PHB588 Transportation district commissions. Provides that the bonds of such commissions shall be filed with the Department of the Treasury's Division of Risk Management rather than the Comptroller.

Patron - Reid

PHB619 Middle Peninsula Chesapeake Bay Public Access Authority Act. Allows the Counties of Essex, Gloucester, King William, King and Queen, Mathews, Middlesex, and the Towns of West Point, Tappahannock and Urbanna by resolution to declare that there is a need for a public access authority to be created. If an operating agreement is developed for the purpose of establishing or operating a public access authority for any such localities, these localities may form the Middle Peninsula Chesapeake Bay Public Access Authority (Authority). The Authority's duties shall include: 1. Identifying land, either owned by the Commonwealth or private holdings that can be secured for use by the general public as a public access site; 2. Researching and determining ownership of all identified sites; 3. Determining appropriate public use levels of identified access sites; 4. Developing appropriate mechanism for transferring title of Commonwealth or private holdings to the Authority; 5. Developing appropriate acquisition and site management plans for public access usage; 6. Determining what holdings should be sold to advance the mission of the Authority; and 7. Performing other duties required to fulfill the mission of the Authority. The Authority shall be governed by a board of directors with authority to (i) acquire, establish, construct, enlarge, improve, maintain, equip, operate and regulate any public access site within the territorial limits of the participating political subdivisions; (ii) construct, install, maintain,

and operate facilities for managing access sites; (iii) determine fees, rates, and charges for the use of its facilities; (iv) apply for and accept gifts or other financial assistance; (v) appoint, employ or engage such officers and employees as may be necessary or appropriate, and to fix their duties and compensation; (vi) contract with any participating political subdivision for such subdivision to provide legal services, engineering services, depository and investment services; and (vii) borrow money and incur debt. Whenever it shall appear to the Authority that the need for the Authority no longer exists, the Authority, or in the proper case, any such subdivision, may petition the circuit court of a participating political subdivision for the dissolution of the Authority.

Patron - Morgan

PHB735 Route 28 transportation improvement districts. Allows property to be included in multiple districts, authorizes the Commonwealth Transportation Board to receive and disburse funds from transportation improvement districts under agreements entered into pursuant to the Public Private Transportation Act of 1995, and eliminates the procedure for abolishing districts through petition by owners of land within the districts.

Patron - Black

PHB847 Local government attorney. Allows such attorneys to be paid at an hourly rate and recover reasonable expenses.

Patron - Stump

PHB868 Solid waste disposal fees; discounts for seniors and disabled. Provides authority for Wise County (described by population) to discount solid waste fees for persons aged 60 years or older and disabled persons based on ability to pay.

Patron - Phillips

PHB894 Mutual Aid Agreements for Law Enforcement. Allows localities and other law-enforcement entities in non-contiguous localities, excluding agencies of state-supported institutions of higher learning, to enter into mutual aid agreements. The current law requires entities to have contiguous boundaries. This bill is identical to SB 493 and HB 566.

Patron - McDougle

PHB939 Virginia Indoor Clean Air Act. Prohibits smoking in any part of the interior of any public elementary, intermediate, and secondary school. Present law allows smoking in certain designated areas after student activities have been concluded.

Patron - Morgan

PHB977 Appointment of boards of zoning appeals. Adds localities in the fifteenth circuit to those where the board of zoning appeals may be appointed by the chief judge of the circuit court rather than by the circuit court generally.

Patron - Pollard

PHB990 Industrial development authorities. Clarifies that whenever an IDA is given authority to finance through bonds, it may also refinance such bonds. Also, the City of Richmond is given authority to call its IDA an economic development authority. This bill is identical to SB 432.

Patron - Hall

PHB993 Revocation of special exceptions. Clarifies that a board of zoning appeals may only revoke a special exception that has been granted by the board of zoning appeals, and that a governing body that issues special exceptions may

revoke such special exceptions in the same manner as the board of zoning appeals.

Patron - Council

PHB994 Land use applications; delinquent taxes. Includes building permits and erosion and sediment control permits as types of permits that localities may issue subject to payment of delinquent real estate taxes.

Patron - Council

PHB1031 Designation of police to enforce trespass violations. Grants lessees, custodians, and persons lawfully in charge of real property authority to designate the local law-enforcement agency as a "person lawfully in charge of the property" for the purpose of forbidding another to go or remain upon the property. Current law only gives this authority to owners of real property.

Patron - Moran

PHB1072 Hampton Roads Sports Facility Authority. Continues numerous provisions within the act creating the Authority by changing the sunset date from January 1, 2002, to January 1, 2005, but that bonds shall be issued only upon approval by the National Hockey League or National Basketball Association of a team to be located in the City of Norfolk. The purpose of the Authority is to facilitate the attraction and operation of a National Basketball Association or National Hockey League franchise. Additional changes clarify that a temporary facility may be treated the same as the permanent facility for the purposes of certain tax benefits. This bill is identical to SB 580.

Patron - Jones, J.C.

PHB1078 County manager plan; employee benefits. Allows any county with the county manager plan of government (currently, only Arlington County), to provide for the use of funds, other than state funds, to provide grants for county and school board employees to purchase or rent residences, for use as the employee's principal residence, within the county.

Patron - Brink

PHB1094 County manager plan; applicant preemployment information. Allows Arlington County to require applicants for county employment to submit to fingerprinting and a criminal records check.

Patron - Brink

PHB1174 Dual office holding by local officers. Allows dual office holding by a part-time assistant attorney for the Commonwealth with the consent of the respective attorneys for the Commonwealth and the Compensation Board.

Patron - Hogan

PHB1178 Notice of zoning amendments. Provides that if the provisions of a recorded plat or final site plan, which was specifically determined by the governing body, and not its designee, to be in accordance with the zoning conditions previously approved, conflict with any underlying zoning conditions of such rezoning approval, the provisions of the recorded plat or final site plan shall control, and the zoning amendment notice requirements of § 15.2-2204 shall be deemed to have been satisfied.

Patron - Hull

PHB1180 Residency requirements. Extends a sunset clause from July 1, 2002, to July 1, 2004, thereby allowing the Cities of Hopewell and Petersburg to continue using resi-

gency as a basis for participation in local police or fire cadet programs or local homesteading programs.

Patron - Ingram

PHB1189 Mandatory connection to water and sewage systems. Adds Buckingham County, Halifax County, and Nelson County to those counties with authority to require connection to their water and sewage systems by owners of property that may be served by such systems.

Patron - Abbitt

PHB1190 Release of performance guarantees. Requires that should a governing body, an administrative agency, the Virginia Department of Transportation, or other political subdivision choose to inspect any proposed public facility constructed by a subdivider or developer that is the subject of any performance guarantee required by the governing body or the Virginia Department of Transportation, the inspection shall be based solely upon conformance with the terms and conditions of the performance agreement.

Patron - Hull

PHB1282 Deputies, appointees and employees of constitutional officers; political activities. Provides that no locality shall prohibit deputies, appointees and employees of county and city treasurers, sheriffs, attorneys for the Commonwealth, clerks of circuit courts and commissioners of revenue from participating in political activities while off duty, out of uniform and not on the premises of their employment with the locality. Existing law extends this provision to firefighters, emergency medical technicians and law-enforcement officers.

Patron - Ingram

PHB1299 Nonconforming use; manufactured housing. Provides that the nonconforming use statute shall not be construed to prevent removal of a valid nonconforming manufactured housing unit from property and replacement of that unit with another comparable manufactured housing unit that meets current HUD standards. Such replacement unit shall retain the valid nonconforming status of the prior unit.

Patron - Jones, J.C.

PHB1301 Certification of law-enforcement officers. Extends from July 1, 2001, to July 1, 2003, the date by which all entry level law-enforcement officers, in order to obtain certification, shall successfully complete statewide certification examinations developed and administered by the Department of Criminal Justice Services.

Patron - Griffith

PHB1343 Regional criminal justice training academies. Authorizes the Division of Capitol Police to become a party to an agreement creating an academy or to join an existing academy.

Patron - Sherwood

PSB76 Tree canopy bank. Provides that any locality with a population density of at least 75 persons per square mile may by ordinance provide for an off-site tree canopy bank to meet a portion of a development's tree canopy requirements in instances where its local ordinance allows for reasonable exceptions to or deviations from standard tree canopy requirements during the development process. This bill is identical to HB 185.

Patron - Colgan

PSB181 Moratorium on city annexation and county immunity notices and proceedings. Provides that, beginning July 1, 2004, cities may undertake annexation proceedings and counties may request immunity from annexation

when actual appropriations to local governments for law-enforcement expenditures are less than the amount statutorily required.

Patron - Trumbo

PSB215 County manager plan; applicant preemployment information. Requires applicants for employment with Arlington County to submit to fingerprinting and a criminal records check. The bill also requires the county to notify the applicant if information obtained from the Central Criminal Records Exchange contributes to denial of the applicant.

Patron - Ticer

PSB234 Affordable housing. Grants Albemarle County greater flexibility in administration of its affordable dwelling program by placing the County's authority under the broader enabling provisions currently applying only to Fairfax County, Loudoun County and Arlington County. The bill also eliminates the population bracket reference to Loudoun County and inserts a reference by county name.

Patron - Hanger

PSB248 Municipal deed restriction on certain property in Virginia Beach. Clarifies that "municipal recreational purposes" include entering into a public-private partnership for improvements to any golf course located on tracts that were conveyed to the City by the Commonwealth.

Patron - Stolle

PSB269 Contracting for provision of water and waste services. Provides that localities and water and waste authorities may contract for, and contract to provide, meter reading, billing and collections, leak detection, meter replacement and any related customer service functions.

Patron - Puckett

PSB275 Service districts; property assessment. Provides that any locality imposing a tax pursuant to service district authority may base the tax on the full assessed value of the taxable property within the service district, notwithstanding any special use value assessment of property within the service district for land preservation, provided the owner of such property has given written consent. This bill is identical to HB 227.

Patron - Stosch

PSB276 Localities incurring obligations for school improvement; tenants in common with school boards. Makes the local governing body of a locality a tenant in common with the local school board in instances where the locality has incurred a multi-year financial obligation to fund the acquisition, construction or improvement of public school property. Created by operation of law, such tenancy in common arises when the local governing body incurs the financial obligation, and terminates upon the payment of the obligation in full. No recordation of any deed of conveyance is required by this bill. These provisions shall not confer to the local governing body any additional powers over school board decisions relative to school board property. The bill further allows the local governing body to elect, by resolution, not to acquire tenancy in common to some or all public school property in the locality. The bill provides for an emergency enactment.

Patron - Stosch

PSB300 Granting franchises for operation of vehicular ferry transportation systems. Provides that the authority of localities for the granting of franchises shall include the authority to grant an exclusive franchise for the operation of a vehicular ferry transportation system in Northumberland

County. The locality may regulate such systems, including the establishment of fees and rates.

Patron - Chichester

PSB359 Solid waste depositories; localities' authority; penalties. Grants all localities the authority to limit the use of waste depositories or receptacles, owned or maintained by the locality, to the disposal of garbage and other solid waste originating from within the boundaries of such locality. Any locality adopting such an ordinance may provide penalties for its violation.

Patron - Reynolds

PSB363 Volunteer inspectors in certain cities. Allows the Cities of Chesapeake and Richmond to utilize supervised trained and qualified volunteers to issue notices of noncompliance for certain types of property maintenance and zoning violations. Currently, only the City of Virginia Beach has such authority.

Patron - Blevins

PSB369 Competitive purchasing; schools. Requires the governing body of a county to obtain the approval of the school board before including the school board in the county's centralized competitive purchasing of supplies.

Patron - Blevins

PSB406 Sheriffs' processing fee. Provides that any county or city may by ordinance authorize a sheriff to impose a processing fee not to exceed \$25 on any individual admitted to the county or city jail following conviction. The fee shall be ordered as a part of court costs collected by the clerk and shall be used by the local sheriff's office to defray the costs of processing arrested persons into local jails.

Patron - Rerras

PSB432 Industrial development authorities. Clarifies that whenever an IDA is given authority to finance through bonds, it may also refinance such bonds. Also, the City of Richmond is given authority to call its IDA an economic development authority. This bill is identical to HB 990.

Patron - Marsh

PSB492 Economic development authorities. Adds Bedford County to those localities that may choose to refer to their industrial development authority as an economic development authority.

Patron - Newman

PSB493 Mutual aid agreements for law enforcement. Allows localities, and other law-enforcement entities in non-contiguous localities, excluding agencies of state-supported institutions of higher learning, to enter into mutual aid agreements for the use of law-enforcement forces. The current law requires entities to have contiguous boundaries. This bill is identical to HB 566 and HB 894.

Patron - Newman

PSB510 Police retirement system; Fairfax County. Increases from five to seven the number of members on the policemen's pension and retirement board for any county having the executive form of government and modifies the required make-up of such board. The bill also contains some technical amendments.

Patron - Saslaw

PSB576 Northern Virginia Transportation Authority. Revises statutory provisions dealing with the Northern Virginia Transportation Authority by substituting provisions recommended by the Joint Subcommittee Studying Creation of

a Northern Virginia Regional Transportation Authority (the "Barry Commission") for 2001 legislation that created the Authority.

Patron - Barry

PSB580 Hampton Roads Sports Facility Authority. Continues numerous provisions within the act creating the Authority by changing the sunset date from January 1, 2002, to January 1, 2005, but that bonds shall be issued only upon approval by the National Hockey League or National Basketball Association of a team to be located in the City of Norfolk. The purpose of the Authority is to facilitate the attraction and operation of a National Basketball Association or National Hockey League franchise. Additional changes clarify that a temporary facility may be treated the same as the permanent facility for the purposes of certain tax benefits. This bill is identical to HB 1072.

Patron - Rerras

PSB589 Local recycling and waste disposal; civil penalties. Authorizes localities to provide civil penalties for the unauthorized use of or failure to use solid waste management facilities and appurtenances for the collection, management, recycling and disposal of solid waste, recyclable materials, and other refuse. Current law states only that localities may provide "penalties" for such unauthorized or failed usage. The bill also precludes localities from bringing both criminal and civil charges against an individual for the same offense.

Patron - Wagner

PSB593 Local control of firearms. Provides that a statute that does not refer to firearms or ammunition shall not be construed to provide express authorization for localities to regulate firearms. From and after January 1, 1987, no locality shall adopt any ordinance, resolution, or motion, nor take any administrative action governing the purchase, possession, transfer, ownership, carrying or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute. The bill provides a locality is not prohibited from adopting workplace rules relating to "terms and conditions of employment."

Patron - Hanger

PSB652 Noise attenuation standards. Provides that in addition to subdivision plans, all recorded surveys and final site plans must include a statement giving notice that the property either partially or wholly lies within an airport noise overlay zone. The bill also contains a technical amendment

Patron - Blevins

PSB660 Southside Virginia Tourism Development Authority. Establishes a tourism development authority for the West Piedmont and the Southside Planning District Commissions. The Authority shall inventory attractions and events and market, promote, expand and develop the tourism industries of these tobacco-producing localities as a whole. The Authority shall have the power to (i) borrow money and to accept contributions, grants and other financial assistance from the United States of America and agencies or instrumentalities thereof, the Commonwealth, or any political subdivision, agency, or public instrumentality of the Commonwealth; (ii) formulate a tourism development and marketing agenda for each locality in the West Piedmont and Southside Planning District Commissions; (iii) receive and expend moneys on behalf of tourism marketing and development; and (iv) coordinate the individual tourism efforts of the localities who choose to be members of the Authority.

Patron - Hawkins

PSB679 Virginia Regional Industrial Facilities Act. Amends the Act by making a number of technical changes and clarifications to provisions related to board vacancies, alternate board members, board meetings, loans, and the issuance and validity of bonds.

Patron - Trumbo

Failed

FHB93 Commission on Local Government; regulations for disclosure of highway improvement costs. Requires the Commission to promulgate regulations that require each locality to disclose to each commercial building permit applicant that the applicant may be responsible for certain highway improvement costs. The Commission shall develop a disclosure form that shall be signed by every commercial building permit applicant.

Patron - Dudley

FHB121 Clustering of dwellings. Requires localities to include in their subdivision and zoning ordinances provisions allowing the clustering of single-family detached dwellings on lots of lesser size so as to preserve open space. No ordinance shall require that a special use permit be obtained for such clustering. This bill is incorporated into HB 346.

Patron - Hull

FHB166 Civil penalties for zoning violations. Raises the civil penalty for subsequent zoning violations from \$150 to \$250. Also, specified violations arising from the same operative set of facts may be charged once every five days rather than 10 days, and the maximum civil penalty of \$3,000 is changed to \$5,000.

Patron - Petersen

FHB204 Impact fees for residential development. Provides that certain high-growth localities may adopt an ordinance providing for payment of impact fees for residential development. The impact fee shall be in an amount representing the proportional total or partial cost of capital improvements reasonably related to the transportation, education, and public safety needs for public facilities generated by the additional residential development. No impact fee shall be assessed unless the capital improvements related to the additional development have been included in the locality's capital improvement program. All impact fees collected shall be used by the locality for the purpose of completing capital improvements specified in the ordinance.

Patron - Cole

FHB205 Partial release of certain performance bonds by localities. Provides that when localities make partial releases of performance bonds, such partial releases shall not exceed fifty percent of the original amount until sufficient public uses are established for acceptance, unless a maintenance agreement and indemnifying bond have been posted in accordance with subdivision 5 of § 15.2-2241.

Patron - Cole

FHB206 Adequate public facilities. Provides that in any high-growth locality, a zoning ordinance may include reasonable provisions allowing the locality to determine whether public facilities are adequate to support the services that will be required under the new zoning classification. Approval of a proposed rezoning may be made contingent upon a finding by the governing body of adequate public facilities. However, such locality's comprehensive plan shall clearly identify public

facility needs in a given area prior to disapproval of such zoning request.

Patron - Cole

FHB207 Adequate public facilities. Provides that in any high-growth locality, a subdivision ordinance may include reasonable provisions allowing the locality to determine whether public facilities are adequate to support the services that will be required by a new subdivision. Approval of a proposed subdivision may be made contingent upon a finding by the governing body of adequate public facilities. However, such locality's comprehensive plan shall clearly identify public facility needs in a given area prior to disapproval of such subdivision request.

Patron - Cole

FHB262 Licensing of all-terrain vehicles. Allows localities to license all-terrain vehicles, prescribe a licensing fee, and dispose of such vehicles that remain unclaimed after 30 days.

Patron - McQuigg

FHB376 Service districts; eradication of nuisance animals. Allows service districts to control and eradicate rats, skunks and other nuisance animals, and the conditions that harbor them.

Patron - Athey

FHB481 Nonconforming uses. Reduces from two years to six months the period of time that the use of a nonconforming sign may be discontinued before losing its valid nonconforming use status.

Patron - Suit

FHB483 Public comment at meetings of governing bodies and school boards. Requires governing bodies and school boards to provide a reasonable opportunity for members of the public to comment on matters of concern prior to taking official action.

Patron - Suit

FHB496 Downzoning of property under use value assessment. Provides that when the owner of property requests and is granted a downzoning of property that, at the time of the downzoning, was subject to a special use value assessment pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, the assessing locality shall, for a period of 10 years, for purposes of valuation, assessment and taxation continue to treat such property as if no change in use has occurred.

Patron - Orrock

FHB603 Notice of rezoning. Requires all rezoning notices to be sent by registered or certified mail at least 21 days, rather than five days, prior to the public hearing. Currently, if a proposed zoning amendment involves more than 25 parcels of land, the notice may be sent by first-class mail. This bill is incorporated into HB 477.

Patron - Black

FHB750 Urban county executive form of government; commission on human rights. Adds "sexual orientation" as prohibited discrimination with regard to actions and investigations by a human rights commission in a county that has adopted the urban county executive form of government. Currently, only Fairfax County has adopted such form of government.

Patron - Plum

FHB976 Granting franchises for operation of a vehicular ferry transportation systems. Provides that the

authority of localities for the granting of franchises shall include the authority to grant an exclusive franchise for the operation of a vehicular ferry transportation system in Northumberland County. The locality may regulate such systems, including the establishment of fees and rates.

Patron - Pollard

FHB980 Bounties for coyotes and groundhogs. Allows for localities to pay bounties, out of any available funds, for the killing of groundhogs. Current law only provides for bounties for killing coyotes.

Patron - Pollard

FHB981 Revocation of special exceptions. Clarifies that a governing body that issues special exceptions may revoke such special exceptions in the same manner as the board of zoning appeals. This bill is incorporated into HB 993.

Patron - Pollard

FHB1063 Capital Region Airport Commission. Adds one member from Petersburg and one member from Dinwiddie County to the Commission.

Patron - Bland

FHB1130 Mandatory connection to water and sewage systems. Allows an owner of undeveloped land located in a county with the authority to require connection to the county's water system to elect to use a well for providing a supply of water so long as such well meets applicable health requirements and county ordinances. Such an owner choosing to use a well shall not be required to pay a connection fee, a frontage fee, or a monthly nonuser service charge. In addition, owners of a non-potable water source located in a locality with mandatory water connection requirements may use such water source for irrigation purposes. The bill also states that its provisions shall not affect the rights and powers of Water and Waste Authorities.

Patron - Bryant

FHB1351 Preservation of monuments and memorials. Provides that certain monuments or memorials that are erected on public property of the Commonwealth or any of its political subdivisions shall not be relocated, removed, disturbed or altered. However, the Commonwealth and its political subdivisions may temporarily relocate or remove a monument or memorial in order to perform necessary construction or maintenance on streets, highways or utilities. No street, bridge, structure, park, preserve, reserve, or other public area of the Commonwealth or any of its political subdivisions dedicated in memory of or named for any historic figure or historic event may be renamed or rededicated. No person may prevent the public body from taking proper measures and exercising proper means for the protection, preservation, and care of these monuments, memorials, or nameplates.

Patron - Reid

FSB171 Compensation Board; allowance for deputy sheriffs. Provides that the Compensation Board shall increase its allowance for deputy sheriffs serving sheriffs concurrently with the appointment of an additional judge to the general district or circuit court served by such sheriff. This increase will allow sheriffs to hire an additional full-time deputy sheriff concurrent with the judicial appointment, with reimbursement from the Compensation Board. The bill also provides that in subsequent fiscal years, the allowance for deputy sheriffs for the respective sheriff's office shall provide for the compensation of the additional full-time deputy sheriff.

Patron - Colgan

FSB384 Grants for home ownership. Allows localities to make grants of local funds to employees of the locality or of the school board for the purchase of a house, apartment or condominium in the locality. The house, apartment or condominium purchased must be used as the principal residence of the grant recipient.

Patron - Whipple

FSB424 Possessing dangerous weapons in certain county facilities; penalty. Provides that the governing body of any county that has adopted the urban county executive form of government may, by ordinance, make it unlawful for any person to possess a dangerous weapon upon the property, including buildings and grounds, of any county-owned or county-operated facility, violation of the ordinance to be punishable as a Class 1 misdemeanor.

Patron - Byrne

FSB427 County manager plan; employee benefits. Allows any county with the county manager plan of government (currently, only Arlington County) to (i) provide for the use of funds, other than state funds, to provide incentives for county and school board employees to purchase or rent residences for use as the employee's principal residence within the county, and (ii) offer health insurance benefits to other members of the county employee's households, as defined by ordinance.

Patron - Ticer

FSB443 Regulation of commercial kennels. Requires localities adopting and enforcing zoning ordinances to provide that prior to approval of construction or expansion of any commercial kennel, a majority of property owners residing within a 1,500-foot radius of the kennel shall be required to approve of such use.

Patron - Williams

FSB495 Civil penalties for violations of certain local ordinances. Provides for civil penalties, not to exceed \$100 for a single violation and \$3,000 for multiple violations, for violations of certain local ordinances related to removal of trash, cutting of weeds and the keeping of inoperable motor vehicles.

Patron - Edwards

FSB626 Local telecommunications services. Allows a locality, electric commission or board, industrial development authority, or economic development authority in certain underserved areas to offer qualifying telecommunications services, or enter into public-private partnerships to offer such qualifying telecommunications services. A "qualifying telecommunications service" is defined as a telecommunications service, that shall include but is not limited to high-speed data service and Internet access service, of general application, that is not otherwise generally and competitively available in the geographic area in which the service will be offered by an entity other than the county, city, town, electric commission or board, industrial development authority, or economic development authority. Such services may be provided only after approval by the State Corporation Commission. This bill is incorporated into SB 245.

Patron - Hanger

FSB630 Mandatory connection to water and sewage systems. Provides that an owner of undeveloped land, located in a county with the authority to require connection to the county's water and sewer systems, may elect to use private systems for providing a supply of water and for the disposal of sewage so long as such systems meet the requirements of the

Virginia Department of Health. Such owner shall not be required to pay a connection fee, a frontage fee, or a monthly nonuser service charge.

Patron - Hanger

Carried Over

CHB16 Local government taxing authority. Equalizes city and county taxing authority by granting counties the same authority available to cities and towns through the uniform charter powers.

Patron - Hull

CHB105 Conservation of trees during localities' development. Adds to current law provisions for the conservation and preservation of existing trees during the development process in localities with a population density of at least 75 persons per square mile.

Patron - Marshall, R.G.

CHB122 Potomac Region Transportation Development Authority. Creates the Potomac Region Transportation Development Authority, representing the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. The Authority is empowered to issue bonds in accordance with applicable law, including the issuance of bonds and other evidences of debt, in order to finance or assist in the financing of transportation projects undertaken pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) within one or more of the Potomac Region localities represented in the Authority.

Patron - Hull

CHB131 Local government taxing authority. Equalizes city and county taxing authority by granting counties the same authority available to cities and towns through the uniform charter powers.

Patron - Darner

CHB256 Rezoning property to previous zoning designation in counties. Allows a county to include in its zoning ordinance provisions that permit the county to grant any rezoning with a condition requiring that an approved site plan or final subdivision plan be obtained for the development within a specified period of not less than 10 years. If no such approval is obtained during the specified period, the county may rezone the property to its previous zoning designation. If a county rezones such property to its previous zoning designation, the county shall compensate the property owner through use of a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification.

Patron - McQuigg

CHB271 Local outdoor lighting standards and regulations. Grants all localities authority to establish by ordinance outdoor lighting standards and regulations for the purpose of controlling exterior illumination levels, incidence of glare, light trespass or urban sky-glow, or for the purpose of conserving energy.

Patron - Callahan

CHB480 Mandatory connection to public water and sewer; attorneys' fees in Virginia Beach. Provides that when legal action is required to compel a property owner in Virginia Beach to comply with any mandatory water and sewer connection ordinance, a locality shall be entitled to recover its reason-

able attorneys' fees from hiring outside counsel in any action to compel such connection.

Patron - Suit

CHB482 Disposal of trash or cutting of weeds. Allows localities to prescribe civil penalties for violations of ordinances related to the disposal of trash and the cutting of grass and weeds.

Patron - Suit

CHB608 Lighting level ordinances; Augusta County. Grants Augusta County authority to provide by ordinance for the regulation of maximum upward exterior illumination levels of buildings and property zoned or used for commercial or business purposes. Exceptions are made for outdoor advertising and VDOT lighting.

Patron - Saxman

CHB712 Virginia Shell Building Initiative. Provides that the Virginia Economic Development Partnership shall promulgate regulations whereby the state shall guarantee the interest on a locality-owned shell building up to one million dollars per year in economically stressed localities.

Patron - Armstrong

CHB769 Restriction on number of adults residing in a dwelling unit. Provides that any locality may include in its zoning ordinance restrictions on the number of adults residing in a dwelling unit based on the lot size and the zoning category. Such an ordinance shall provide (i) exceptions for the temporary presence of adults who have a legal residence elsewhere, (ii) for at least three adults in any dwelling unit, (iii) for a cap of no less than eight adults in any dwelling unit in an area zoned for lots of one acre or larger; and (iv) that the provisions of such ordinance do not apply to group homes and residential facilities as defined in § 15.2-2291.

Patron - Watts

CHB996 Plat approval. Requires the planning commission to identify all deficiencies in a plat that cause disapproval and identify all modifications or corrections as will permit approval of the plat. The local planning commission shall act on any proposed plat within 45 days of submittal, rather than 60 days. The failure to act within 45 days or to state the reasons for disapproval shall cause the plat to be deemed approved. The commission shall act on any proposed plat that it has previously disapproved within 30 days after the plat has been resubmitted for approval.

Patron - McDonnell

CHB1013 Grants for home ownership. Allows localities to make grants of local funds up to \$3,000 to local employees for the purchase of a house, apartment or condominium in the locality. The house, apartment or condominium purchased must be used as the principal residence of the grant recipient.

Patron - Scott

CHB1017 Prohibition on possession of handguns in certain county-owned buildings; penalty. Provides that any county with urban county executive form of government may, by ordinance, make it unlawful for any person to possess a handgun in any county-owned building, violation of the ordinance to be punished as a Class 1 misdemeanor.

Patron - Scott

CHB1212 Zoning; manufactured housing. Provides, under certain circumstances, that certain manufactured

homes shall be deemed the same as site-built homes for purposes of zoning regulatory standards.

Patron - Suit

CHB1367 Zoning amendments. Provides that no amendment to the zoning map shall be instituted without the written consent of or just compensation to the landowner whose property is the subject of such amendment.

Patron - Black

CSB100 Local outdoor lighting standards and regulations. Grants all localities authority to establish, by ordinance, maximum outdoor lighting standards and regulations for the purpose of controlling exterior illumination levels, incidence of glare, light trespass or urban sky-glow. Such standards and regulations shall not affect or be applied to agricultural or silvicultural operations. The provisions of this act will expire on July 1, 2005.

Patron - Howell

CSB475 Lighting level regulations; City of Chesapeake. Grants the City of Chesapeake authority to provide by ordinance for the regulation of maximum exterior illumination levels of buildings and property. Such ordinances shall not apply to agricultural or silvicultural activities, or to outdoor advertising signs owned by a person licensed by the Department of Transportation.

Patron - Quayle

CSB484 Conservation of trees during localities' development. Increases current 20 percent tree canopy requirements for certain localities adopting local tree conservation and replacement ordinances from 15 to 20 percent tree canopy for residential sites zoned between 10 and 20 units per acre, and from 20 to 30 percent for residential sites zoned for 10 or less sites per acre. Permits localities to include tree conservation provisions in their ordinance and sets forth requirements for such provisions. Such tree conservation ordinances may include provisions for the reduction of tree canopy requirements or the granting of tree cover credit in consideration for the preservation of certain trees, and shall provide for exceptions to and deviations from tree preservation requirements where the locality determines the requirements would preclude or significantly hinder uses otherwise allowed by the local zoning ordinance. Locality may by ordinance disallow certain types of trees from being planted to meet minimum tree canopy requirements. Provides that new law does not invalidate 10-year minimum tree cover standards adopted by cities established before 1780, or 20 minimum tree cover replacement standards adopted by localities after July 1, 1990.

Patron - Howell

CSB566 Dog recreation facilities. Prohibits localities from establishing dog recreation facilities within 1,500 feet of public elementary schools. "Dog recreation facility" means any park, recreation facility or other property acquired for public use and established for the primary purpose of allowing dog owners or custodians to run dogs unrestricted or off-leash within the confines of such facility.

Patron - Byrne

CSB613 Inoperable motor vehicles. Defines "shielded or screened from view," for purposes of keeping inoperable vehicles, as shielded from ordinary public view by means of a solid rigid six-foot opaque fence composed of standard fencing materials, or a landscape arrangement of non-deciduous trees or shrubs, sufficient in height, spacing, density, and circumference to shield the vehicle, or any combination of fencing or landscaping that meets this definition. "Shielded from ordinary public view" means not visible by someone

standing at ground level from outside of the property on which the inoperable vehicle is located.

Patron - Trumbo

CSB616 Alleghany Highlands Economic Development Authority. Changes references to the City of Clifton Forge to the Town of Clifton Forge to reflect the Town's recent reversion. Also, provisions requiring contribution of a portion of the machinery and tools tax are made optional for a period of two years if Alleghany County and certain localities agree to commit resources to economic development in an amount greater than or equal to that required by current law.

Patron - Deeds

Courts not of Record

Passed

PHB3 Family courts. Repeals the jurisdiction and venue provisions of the experimental family court, which no longer exists, and the appeal provisions of the family court. This bill is a recommendation of the Virginia Code Commission.

Patron - Landes

PHB160 Denial of driver's license for truancy. Modifies the current statute regarding suspension of driver's licenses for truancy to authorize courts, upon a finding of a second or subsequent truancy offense, to order the denial of a driver's license for a period of one year or until the juvenile reaches the age of 18, whichever is longer, or delay the child's ability to apply for a driver's license for a period of one year following the date he reaches the age of 16 and three months, as may be appropriate. Under current law, the first such offense may warrant a 30-day denial or delay in license application.

Patron - Lingamfelter

PHB259 Criteria for detention or shelter care. Provides that a juvenile may be detained in a secure facility pursuant to a detention order or warrant when there is probable cause to believe that he violated the terms of his probation or parole and the charge for which he was originally placed on probation would have been a felony or Class 1 misdemeanor if committed by an adult. Currently, secure detention is allowed only when the juvenile is alleged to have committed an act that would be a felony or Class 1 misdemeanor if committed by an adult.

Patron - McQuigg

PHB298 Replacement intake officers; court services unit. Provides that the chief judge may make arrangements for a replacement intake officer from another court service unit to ensure the capability of a prompt response during hours the court is closed. Additionally, the bill sets forth the procedure for the appearance of a child before an intake officer by the use of two-way electronic video and audio communication.

Patron - McDonnell

PHB310 Access of juvenile record information. Allows pretrial services agencies and community-corrections probation officers access to juvenile court records without a court order for the purpose of preparing pre- and post-sentence reports.

Patron - Howell

PHB314 Foster care plan. Modifies the current requirement that the agency consult with the child's parents in making a foster care plan to provide an exception when the agency has made diligent efforts to locate the parent(s) and the parent(s) cannot be located.

Patron - Howell

PHB361 Jurisdiction of the small claims court. Raises the jurisdiction of the small claims court from \$1,000 to \$2,000.

Patron - Reese

PHB420 Emergency protective orders. Requires the judge or magistrate who receives an electronic request and issues an oral order to verify the order when reduced to writing, and removes the requirement that the original copy of the order filed with the clerk be verified by the judge or magistrate who entered the order. This bill is a recommendation of the Committee on District Courts.

Patron - Johnson

PHB488 Domestic violence; penalty. Creates a state-wide facilitator for victims of domestic violence within the Office of the Attorney General. The bill redefines family abuse to include reasonable apprehension of any bodily injury rather than serious bodily injury as under current law. The bill also requires that law-enforcement agencies enter information on protective orders into the Virginia Criminal Information Network immediately upon receipt. The bill removes the provision that marital rape cannot occur unless the spouses were living apart or there was bodily injury caused by force or violence. The bill also creates a protective order registry within the State Police to be made available to all criminal justice agencies in the Commonwealth. This bill is identical to SB 290.

Patron - Suit

PHB589 Performance bonds for judges and court employees. Provides for a copy of the performance bond purchased for a judge or certain other court employees to be filed with the Division of Risk Management within the Department of Treasury rather than with the State Comptroller.

Patron - Reid

PHB1000 Detention homes. Requires the Department of Juvenile Justice to establish a uniform risk assessment instrument for use when making detention decisions and when making recommendations at detention hearings for implementation by each court service unit and for distribution to each juvenile court judge by October 1, 2002.

Patron - McDonnell

PHB1061 Termination of parental rights. Provides the following additional circumstance in which the local board or other child welfare agency having custody of the child shall not be required to make reasonable efforts to reunite the child with a parent: if the court finds that, based on clear and convincing evidence, the parent has subjected any child to aggravated circumstances, or abandoned a child under circumstances which would justify the termination of residual parental rights. "Aggravated circumstances" includes torture, chronic or severe abuse, or chronic or severe sexual abuse.

Patron - Moran

PHB1205 Confidentiality of juvenile records. Allows the attorney for the Commonwealth and adult probation and parole officers access to an offender's juvenile criminal record without a court order in order to prepare presentence

reports, risk assessment instruments, and discretionary sentencing guidelines worksheets.

Patron - Marrs

PHB1224 Child custody proceedings. Provides that the juvenile and domestic relations district court has the authority to order psychological or custody evaluations and drug tests of a parent, guardian, legal custodian or person standing in loco parentis to the child.

Patron - Jones, J.C.

PHB1236 Juvenile detention; adults. Provides that predispositional detention of persons 18 years of age or older shall be in an adult facility unless ordered for a violation of the terms and conditions of release from a juvenile correctional center, in which case the judge may order such detention in a juvenile facility.

Patron - Jones, J.C.

PHB1344 Confidentiality of juvenile court records; exceptions. Allows the attorneys for the Commonwealth and probation officers electronic access to offenders' juvenile delinquency records for the strictly limited purposes of preparing a presentence report, sentencing guidelines or transfer or sentencing hearing.

Patron - Hurt

PSB130 Termination of parental rights. Provides the following additional circumstance in which the local board or other child welfare agency having custody of the child shall not be required to make reasonable efforts to reunite the child with a parent if the court finds that, based on clear and convincing evidence, the parent has subjected any child to aggravated circumstances, or abandoned a child under circumstances which would justify the termination of residual parental rights. "Aggravated circumstances" includes torture, chronic or severe abuse, or chronic or severe sexual abuse.

Patron - Ticer

PSB290 Domestic violence; penalty. Creates a state-wide facilitator for victims of domestic violence within the Office of the Attorney General. The bill also redefines family abuse to include reasonable apprehension of any bodily injury rather than serious bodily injury as under current law. The bill also requires that law-enforcement agencies enter information on protective orders into the Virginia Criminal Information Network (VCIN) immediately upon receipt. The bill removes the provision that marital rape cannot occur unless the spouses were living apart or there was bodily injury caused by force or violence. The bill also creates a protective order registry within the State Police to be made available to all criminal justice agencies in the Commonwealth. This bill is identical to HB 488.

Patron - Norment

PSB467 Criteria for detention or shelter care. Provides that a juvenile may be detained in a secure facility pursuant to a detention order or warrant when there is probable cause to believe that he violated the terms of his probation or parole and the charge for which he was originally placed on probation or parole would have been a felony or Class 1 misdemeanor if committed by an adult. Currently, secure detention is allowed only when the juvenile is alleged to have committed an act that would be a felony or Class 1 misdemeanor if committed by an adult.

Patron - Puller

PSB474 General district courts; jurisdictional amounts; exception. Provides an exception to the \$15,000 jurisdictional limit in general district courts for cases involving

liquidated damages for violation of vehicle weight limits. In 2001 the General Assembly amended § 46.2-1135 (which refers to general district courts) to increase liquidated damages, which means that cases will more frequently exceed \$15,000.

Patron - Quayle

PSB533 Court services units. Allows localities with a state-operated juvenile court services unit to establish a locally operated unit instead.

Patron - Mims

PSB534 Violent juvenile felonies. Provides that the court may impose an adult sentence on a juvenile tried as an adult and convicted of a violent juvenile felony but may order that a portion of it be served in a juvenile correctional facility.

Patron - Mims

PSB537 Child dependency cases; appointment of counsel. Affords the right of counsel to a parent or guardian of a child who is alleged to be abused or neglected or at risk of abuse or neglect, a parent that could be subjected to the loss of residual parental rights, or any other adult charged with abuse or neglect of a child. If the identity or location of a parent or guardian is not reasonably ascertainable or if a parent or guardian fails to appear at one of the specified hearings, the court shall consider appointing an attorney-at-law to represent the interests of this absent party, and the hearing may be held. For proceedings related to a child's placement in foster care, the court is required to consider appointing counsel to represent the child's parent or guardian. The court currently has discretion to appoint counsel for these hearings. Existing law is also amended to match the current practice of appointment of a guardian ad litem for a child who is the subject of a petition filed in the juvenile court in connection with a parental placement adoption consent hearing. This bill has been endorsed by the Committee on District Courts.

Patron - Mims

PSB538 Permanency planning; children in foster care. Requires the court to make a finding concerning whether reasonable efforts have been made to place the child in a timely manner in accordance with the foster care plan and to take the steps necessary to finalize the permanent placement of the child at the actual hearing at which the court orders the child's permanent placement and annually thereafter. The bill requires an annual foster care review hearing for children in permanent foster care. Permanent foster care is given a higher priority than independent living, to promote attachment to an adult caregiver. This bill has been endorsed by the Committee on District Courts.

Patron - Mims

PSB655 Driving privileges. Amends provisions regarding the juvenile court's authority to deny driver's licenses for six months past the age of 16 years so that the court has the authority to deny a driver's license for six months past the age of 16 years and three months. The bill also changes provisions allowing nonresidents over the age of 16 years to drive in Virginia to reflect the 2001 change in the driving age to 16 years and three months.

Patron - Mims

Failed

FHB261 Incomplete appeal of a district court case. Provides that if a child or adult withdraws his appeal from any district court before final adjudication by the circuit court, the circuit court shall remand the person to the jurisdiction of the

juvenile and domestic relations district court for its supervision, under the terms of its original order or judgment.

Patron - McQuigg

FHB277 Juvenile fingerprinting. Allows police to fingerprint juveniles issued a summons for possession of marijuana.

Patron - Broman

FHB283 Failure to comply with court-ordered visitation. Provides that in cases involving failure to comply with court-ordered visitation, the aggrieved parent may initiate a complaint with the attorney for the Commonwealth in the jurisdiction where the order was entered or in the jurisdiction where the failure to comply occurred.

Patron - Louderback

FHB591 Child custody and visitation; education seminars. Amends provisions requiring parental education seminars in cases of contested custody or visitation to require any person who is a party, not just a parent, to attend an educational program on the effects of separation and divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities. The bill also allows the court to exempt low-income persons if there is no program available for such person.

Patron - Reid

FHB601 Parental consent for abortion. Requires a physician to obtain parental consent prior to performing an abortion on an unemancipated minor. Under current law, the parents of the minor must be notified of the abortion, but do not have to give consent.

Patron - Black

FHB702 Local judicial nominations committees. Establishes a judicial nominations committee in each circuit, composed of citizens and lawyers appointed by majority vote of the members of the General Assembly who represent any portion of the circuit. The committees are to investigate candidates (including incumbent judges) for circuit and district court vacancies and submit reports on up to three nominations per vacancy to the General Assembly. There is an opt-out provision for those delegations that already have nomination procedures in place.

Patron - Armstrong

FHB830 Juvenile and domestic relations district court; jurisdiction. Adds a preface to the jurisdictional statute of the juvenile and domestic relations district court that reads "after giving due regard to the primacy of the parent-child relationship and upon a showing by clear and convincing evidence that the best interests of the child would be served in protecting the child's health or welfare, the State has a compelling interest to act."

Patron - Nixon

FHB964 Local court service units; compensation of local probation officers, court service staff members, etc. Requires the State to pay the compensation of local court service unit personnel. Currently, the state share is one-half in certain localities that have chosen to retain a local court service staff.

Patron - Almand

FHB1142 Authority to hire court services staff and directors. Clarifies the roles of the Director of the Department of Juvenile Justice and the juvenile and domestic relations district court judges to hire, transfer and terminate probation officers and supervisors in state-operated court service units and

clarifies the juvenile court's authority to appoint a court services unit director for each locally operated court services unit. This bill passed during the 2001 General Assembly Session with a second enacting clause that provided that it must be reenacted by the 2002 Session of the General Assembly to become effective.

Patron - Dillard

FHB1218 Criteria for detention of juveniles. Provides that a juvenile who has run away from home on a previous occasion may be placed in shelter care until the initial court appearance.

Patron - Carrico

FHB1240 Assignment of judges. Authorizes the Chief Justice to designate and temporarily assign any judge or retired judge to sit at any trial court level. Current law allows circuit court judges (including retired judges) to sit on assignment in circuit court and district court judges (including retired judges) to sit on assignment in district court.

Patron - Johnson

FHB1309 Prepayable traffic infractions and non-traffic offenses. Removes the Supreme Court's authority to set the minimum fines for prepayable infractions and offenses and provides for these under statute instead. The bill also increases each minimum fine by \$10 except for those applicable to speeding, which are increased by one dollar to four dollars for each mile over the speed limit.

Patron - Barlow

FSB168 Affirmative defense to prosecution for abuse and neglect; infant-receiving facilities; emergency custody of abandoned children. Provides that when a parent voluntarily delivers a child no older than 72 hours to an infant-receiving facility, the parent will have an affirmative defense to prosecution for abuse or neglect, if the abuse or neglect prosecution is based solely upon the parent's delivery of the child to an infant-receiving facility. Infant-receiving facilities include hospitals, physicians' offices, local departments of health, local departments of social services, and rescue squads or fire departments that include emergency medical technicians. Acute care hospitals offering 24-hour emergency service are required to become infant-receiving facilities; becoming an infant-receiving facility is discretionary with the other entities listed. The parents may remain anonymous. However, the parents will be given a personal identification number and a toll-free telephone number so that they may contact social services to provide information about the health or family history of the infant. By delivering the child to an infant-receiving facility, the parents are presumed to have consented to termination of their parental rights. Personnel who accept these children would be immune from liability absent gross negligence or willful misconduct. The Department of Social Services, in conjunction with the Department of Health, is required to develop guidelines for establishing and maintaining an infant-receiving facility. The Department of Social Services is required to launch a media campaign to publicize the emergency custody procedures for abandoned children. The bill has an 8-year sunset clause.

Patron - Byrne

FSB278 Failure to pay child support. Provides that the failure to pay child or spousal support must be done knowingly, willfully or intentionally before penalties are imposed. The court must follow an order of preference in imposing penalties, and persons are to be confined in local correctional facilities only on days they are not scheduled to work. Continuous confinement in a local correctional facility will occur only if the court determines that no lesser punishment is proper. The

court is directed to endeavor to enable the party to work at his present job, attend school or secure employment.

Patron - Marsh

FSB381 Local court service units; compensation of local probation officers, court service staff members, etc. Requires the State to pay the compensation of local court service unit personnel. Currently, the state share is one-half in certain localities that have chosen to retain a local court service staff.

Patron - Whipple

FSB464 Withdrawn appeal of a district court case. Provides that if a child or adult withdraws his appeal from any district court before final adjudication by the circuit court, the circuit court shall remand the person to the jurisdiction of the district court for its supervision, under the terms of its original order or judgment.

Patron - Puller

FSB539 Permanent foster care; court review. Requires annual court review of permanent foster care cases.

Patron - Mims

FSB645 Parental consent for abortion. Requires a physician to obtain parental consent prior to performing an abortion on an unemancipated minor. Under current law the parents of the minor must be notified of the abortion but do not have to give consent.

Patron - Colgan

Carried Over

CHB25 Juvenile not guilty by reason of insanity. Recognizes the finding of "not guilty by reason of insanity" for a child charged with a delinquent act in juvenile court proceedings. The bill closely parallels the adult statute on not guilty by reason of insanity. If the court finds a child not guilty, and the child poses an unreasonable risk to the community, the court may commit the child to the Department of Mental Health, Mental Retardation and Substance Abuse Services for treatment. If the child does not pose a risk, the court may refer the child as one in need of services to the local family assessment and planning team for services under the Comprehensive Services Act for At-Risk Youth and Families. The bill adds such children to the mandated service pool under the Act. This bill is a recommendation of the Virginia Bar Association, which was requested by the General Assembly (see HJR 680, 1999) to review this area of the law. See also *Commonwealth v. Chapman*, 30 Va. App. 593, 601, 518 S.E.2d 847, 851 (1999) rev'd Virginia Supreme Court, November 3, 2000, Record No. 992706, where the Supreme Court held that the insanity defense is not available to juveniles absent specific statutory authority.

Patron - Darner

CHB311 Number of juvenile judges. Adds one judge each to the Fifteenth Judicial District (Fredericksburg, Caroline, Essex, Hanover, King George, Lancaster, Northumberland, Richmond County, Spotsylvania, Stafford, Westmoreland) and the Twenty-seventh Judicial District (Galax, Radford, Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski, Wythe).

Patron - Howell

CHB424 Juveniles; duty of person taking child into custody. Requires that whenever a child who is under 15 years old is taken into custody regarding the commission or alleged commission of certain acts and such child is deprived of his

freedom, the person taking the child into custody shall (i) advise the child of such deprivation of freedom, (ii) advise the child that he has the right to counsel and to have present his parent, guardian, legal custodian or other person standing in loco parentis, (iii) notify such counsel or parent, guardian, legal custodian or other person standing in loco parentis, and (iv) not interrogate the child until such parent, guardian, legal custodian or other person standing in loco parentis is present.

Patron - McQuigg

CHB590 Minor children; custody and visitation. Removes the concepts of custodial parents, custody and visitation from the Code and replaces them with managing parent, associate parent and parenting arrangements.

Patron - Reid

CHB672 Court-appointed counsel. Provides for court-appointed counsel to represent a parent, guardian or other adult in an abuse and neglect case to receive compensation equivalent to that received by the guardian ad litem representing the child.

Patron - Watts

CHB920 Affirmative defense to prosecution for abuse and neglect; infant-receiving facilities; emergency custody of abandoned children. Provides that when any person voluntarily delivers a child no older than 72 hours to an infant-receiving facility, the person will have an affirmative defense to prosecution for abuse or neglect, if the abuse or neglect prosecution is based solely upon the delivery of the child to an infant-receiving facility. Infant-receiving facilities include hospitals and police departments. Other facilities may opt-in by complying with standards set up by the Department of Health and the Department of Social Services. The person may remain anonymous. Personnel who accept these children would be immune from liability absent gross negligence or willful misconduct. The Department of Social Services, in conjunction with the Department of Health, shall launch a media campaign to promote safe placement alternatives for newborn infants and publicize the emergency custody for certain abandoned children procedures.

Patron - Griffith

CHB953 Assault and battery against a family or household member; penalty. Provides that upon conviction for an assault and battery against a family or household member, where it is alleged that (i) such person has been previously convicted of assault and battery against a family member and (ii) within 72 hours of that person's release from incarceration serving a sentence for such conviction that person commits another such violation, such person shall be guilty of a Class 6 felony. The bill also requires trial for violation of a family protective order or family assault and battery within 45 days where practical.

Patron - Baskerville

CHB1246 Juvenile placement in a secure facility. Lowers the age from 14 to older than 10 in which a court may order a juvenile confined in a secure facility if found to have committed certain offenses.

Patron - Darner

CSB288 Appointment of counsel; compensation. Allows a court-appointed attorney representing a juvenile on a felony charge the same fee as if representing an adult on a felony charge and requires the court, when appointing counsel in an indigent case, to appoint an attorney who has been deemed qualified pursuant to established standards. The bill also

repeats in Title 19.2 those provisions from Title 16.1 governing standards for guardians ad litem.

Patron - Norment

CSB641 Protective orders; dating violence. Creates a provision for issuing protective orders to persons in a dating relationship. A dating relationship is defined as a romantic relationship between individuals that exists or has existed for a reasonably continuous period of time. Jurisdiction is in the general district court unless the respondent is a minor, in which case jurisdiction is in the juvenile and domestic relations district court.

Patron - Watkins

CSB653 Juvenile fingerprints and DNA. Requires, in cases where juvenile fingerprints are taken under current law, retention of the fingerprints if the original charge against the juvenile was reduced to a misdemeanor or if there was no finding of guilt pursuant to a deferred disposition. Under current law the only situation in which fingerprints retained on a juvenile who is found not guilty is if the juvenile is charged with a violent juvenile felony.

Patron - Mims

Courts of Record

Passed

PHB107 Posting of "In God We Trust". Provides that "In God We Trust" shall be posted in every courtroom in the Commonwealth when the General Assembly appropriates funds for such postings.

Patron - Marshall, R.G.

PHB151 Legal Aid Services Fund. Raises the additional fees collected in all cities and counties in which civil legal representation is provided for the poor, without charge, by a nonprofit legal aid program organized under the auspices of the Virginia State Bar, from two to four dollars in both district and circuit courts.

Patron - Bryant

PHB675 Clerks fees; information technology fee. Provides an exception where a clerk has implemented a technology plan approved by the Department of Technology Planning allowing allocations to exceed the pro rata share of the collections of the three-dollar fee relative to the chancery and law actions filed in that jurisdiction.

Patron - Reese

PHB782 Clerks of court; electronic filing. Allows a circuit court clerk to enter into an agreement with banks, mortgage companies or other lending institutions for the purpose of electronically recording certificates of satisfaction and assignments of the underlying notes secured by previously recorded deeds of trust.

Patron - Reese

PHB857 Technology Trust Fund fee; sunset. Extends the sunset from July 1, 2002, to July 1, 2004. This bill is identical to SB 83.

Patron - Phillips

PHB869 Grantor/grantee index; clerk's office. Allows a court clerk's office to maintain grantor/grantee indexes on paper.

Patron - Phillips

PHB999 Judicial performance evaluation program.

Requires the Supreme Court to establish a one-year pilot judicial performance evaluation program beginning January 1, 2003, if funds are appropriated by the general appropriation act. There is a January 1, 2004, effective date for the Supreme Court to establish and maintain a judicial performance evaluation program that will provide a self-improvement mechanism for judges and a source of information for the reelection process. By September 1 of each year, the Supreme Court will transmit a final evaluation of each justice and judge whose term expires during the next session to the Chairmen of the House and Senate Committees for Courts of Justice.

Patron - McDonnell

PHB1186 Election of Chief Justice by the justices of the Court.

Changes the manner in which the Chief Justice is chosen to a majority vote of the justices as opposed to the ascension of the most senior justice. The bill applies to the next Chief Justice of the Supreme Court and does not affect the current Chief Justice or his term. This bill is identical to SB 138.

Patron - Kilgore

PHB1209 Clerk of circuit court; military service discharge records.

Provides that discharge certificates and reports of separation from active duty recorded with the clerk of circuit court shall be open for inspection and copying only by (i) the subject of the record, (ii) the conservator or guardian of the subject, (iii) the executor or administrator of the subjects estate, (iv) representatives acting on behalf of or at the request of the subject, or (v) any agency of federal, state, or local government. The bill also provides that the clerk may permit the use of discharge certificates or reports of separation from active duty for bona fide research purposes if the subject of the record is deceased.

Patron - Cox

PSB83 Technology Trust Fund fee; sunset.

Extends the sunset from July 1, 2002, to July 1, 2004. This bill is identical to HB 857.

Patron - Wampler

PSB138 Election of Chief Justice by the justices of the Court.

Changes the manner in which the Chief Justice is chosen to a majority vote of the justices as opposed to the ascension of the most senior justice. The bill applies to the next Chief Justice of the Supreme Court and does not affect the current Chief Justice or his term. This bill is identical to HB 1186.

Patron - Stolle

PSB150 Court fees.

Establishes fixed fees for proceedings for misdemeanors, traffic infractions and other violations in district and circuit court. The fixed fees aggregate the most common costs to be collected by clerks of court, many of which are earmarked for distribution to specific funds. The fees are collected in the case of a conviction, certain deferred dispositions without a finding of guilt, or revocation of probation or a suspended sentence. The bill was recommended by the Committee on District Courts in order to more efficiently process cases, utilize automation and minimize inconvenience to the public.

Patron - Norment

PSB153 Circuit court clerks.

Makes various revisions to the duties and responsibilities of filings, etc., in the circuit court clerks' offices such as: clarifying the limitations on public access to social security numbers; authorizing localities to supplement clerks salaries; giving authority to clerks to sign prisoner transportation orders when authorized by the judge; providing for the disposition of original wills after microfilm-

ing; removing the reference to abstracts of executions on judgments that no longer have to be filed; clarifying that partial certificates of satisfaction are to be indexed; deleting obsolete references to fees for applications for tax deeds; clarifying procedure for filing requests for copies of certificates of analysis in criminal cases; requiring court orders to specifically identify the human biological evidence to be preserved in a criminal case; clarifying the fees payable on petitions for approval of proposed distributions from minors' estates; and waiving application fees for deputy circuit court clerks seeking appointment as notaries public.

Patron - Norment

PSB676 Charitable corporations.

Grants the Attorney General authority to act on behalf of the public with respect to charitable corporations and grants circuit courts subject matter jurisdiction over matters pertaining to assets of charitable corporations, thus overruling the decision in *Commonwealth of Virginia v. The JOCO Foundation*, Record No. 011794 (January 11, 2002).

Patron - Stosch

Failed

FHB342 Court of Appeals of Virginia.

Requires that opinions and decisions considered by the Court to have precedential value or significance to the legal system are to be designated as published opinions.

Patron - Albo

FHB367 Number of circuit court judges.

Adds one circuit court judge to Chesapeake. This bill contains an emergency clause.

Patron - Cosgrove

FHB751 Judicial Qualifications Commission.

Establishes a judicial qualifications commission to review and report on the qualifications of candidates for judicial office. The 17-member commission is composed of appointees of each branch of government. The bill includes qualification guidelines and procedures (including requiring public hearing on candidates prior to recommendation) for use by the Commission.

Patron - Plum

FHB917 Drug Treatment Court.

Allows for each jurisdiction to establish drug treatment courts.

Patron - Griffith

FHB1219 Registry of special conservators of the peace.

Directs the clerk of the appointing circuit court to record all orders of appointment applicable to that circuit, of special conservators of the peace and special police officers, in a book available for inspection in his office.

Patron - Woodrum

FHB1223 Assignment of judges.

Authorizes the Chief Justice to designate and temporarily assign any judge or retired judge to sit at any trial court level. Current law allows circuit court judges (including retired judges) to sit on assignment in circuit court and district court judges (including retired judges) to sit on assignment in district court.

Patron - Jones, J.C.

FSB205 Number of circuit court judges.

Adds one additional circuit court judge to the Fifteenth Judicial Circuit (Fredericksburg, Caroline, Essex, Hanover, King George, Lancaster, Northumberland, Richmond, Spotsylvania, Stafford and Westmoreland).

Patron - Houck

FSB404 Assessment for courthouse security. Allows localities to assess each criminal, civil and traffic case a fee of up to \$10 for courthouse security.

Patron - Rerras

FSB686 Assessment for law library. Clarifies that the full assessment allowed for law libraries is available without regard to a county or city's population.

Patron - Marsh

Carried Over

CHB258 Incorrect defendant named in civil cases. Provides a process for expungement of a civil record where a wrong defendant is named.

Patron - McQuigg

CHB719 Number of circuit court judges. Increases the number of circuit court judges by adding one to each of the following circuits: First Judicial Circuit (Chesapeake), Fourteenth Judicial Circuit (Henrico), Fifteenth Judicial Circuit (Fredericksburg, Caroline, Essex, Hanover, King George, Lancaster, Northumberland, Richmond County, Spotsylvania, Stafford and Westmoreland) and the Twenty-ninth Judicial Circuit (Buchanan, Dickenson, Russell and Tazewell).

Patron - Howell

CHB812 Electronic dissemination of public records. Requires that all personal information of law-enforcement officers (including names, addresses, telephone numbers and social security numbers) be redacted from records of the circuit courts and tax documents (including real property assessments) that are made public by means of display on the Internet.

Patron - Almand

CSB57 Mental health courts; pilot program. Directs the Office of the Executive Secretary of the Supreme Court to establish no less than two and no more than five mental health courts for nonviolent offenders with serious mental illnesses in Virginia by January 1, 2003.

Patron - Edwards

CSB294 Virginia Supreme Court; duties. Requires the Supreme Court to maintain in their voucher database system, for cases where counsel is appointed for an indigent defendant, the charges and corresponding sections of the Code for which payment was rendered, the dates of service, and hours per case as submitted by an attorney for all cases including those handled on appeal and for habeas petitions.

Patron - Norment

CSB550 Local judicial nominations committees. Establishes a judicial nominations committee in each circuit, composed of citizens and lawyers appointed by majority vote of the members of the General Assembly who represent any portion of the circuit. The committees are to investigate candidates (including incumbent judges) for circuit and district court vacancies and submit reports on up to three nominations per vacancy to the General Assembly. There is an opt-out provision for those delegations that already have nomination procedures in place.

Patron - Mims

Crimes and Offenses Generally

Passed

PHB67 Charging a violation of driving while intoxicated. Clarifies language in DUI law to require the warrant, information, or indictment on which a person is convicted to allege that such person has been previously convicted of an offense committed within the specified time period (five or 10 years). The bill also includes some clarifying, non-substantive changes.

Patron - Janis

PHB119 One-handgun-a-month. Provides that the one-handgun-a-month purchase limitation does not apply to a person who trades in a handgun at the same time he makes a handgun purchase and as a part of the same transaction, provided that no more than one transaction of this nature is completed per day.

Patron - Pollard

PHB223 Concealed weapons. Provides that no fee shall be charged for the issuance of a concealed weapon permit for a retired law enforcement officer after completing fifteen years of service with a police or sheriff's department within the United States, the District of Columbia or any of the territories of the United States.

Patron - Carrico

PHB260 Infectious biological substances. The bill defines "radiological agent" and provides that the possession, with the intent to injure another, of an infectious biological substance or radiological agent, capable of causing death or serious bodily injury, is a Class 5 felony. A person who manufactures, sells, gives, distributes or uses an infectious biological substance or radiological agent with the intent to injure another is guilty of a Class 4 felony. This bill is identical to the amendments to § 18.2-52.1 in HB 1120 and SB 514.

Patron - McQuigg

PHB300 Possession of stun weapons and tasers by convicted felons. Rewords last year's amendment to the law that prohibits a convicted felon from possessing a firearm to make it abundantly clear that he may possess only a stun weapon or taser as defined by § 18.2-308.1 in his residence or the curtilage thereof.

Patron - McDonnell

PHB304 Computer trespass. Provides that, with respect to the computer trespass Code section, nothing in the section shall be construed to prohibit a parent or legal guardian from monitoring the computer usage of a minor, denying the minor access to the computer or Internet or lawfully copying data.

Patron - McDonnell

PHB308 Reporting of criminal justice record information. Requires the use of Virginia crime code references on all reports to the Central Criminal Records Exchange and to any other criminal offense or offender database maintained by the State Police, the Supreme Court of Virginia, the Department of Corrections, the Department of Juvenile Justice, the Virginia Parole Board and the Department of Criminal Justice Services if reenacted in 2003. The Virginia crime code references are maintained by the Virginia Criminal Sentencing Commission. The bill designates affected agencies to meet and

submit a written plan for accomplishing these requirements to the Crime Commission by December 1, 2002.

Patron - McDonnell

PHB369 Obstructing justice by giving a false statement to a law-enforcement officer. Provides that any person who knowingly and willfully makes any materially false, statement or representation to a law-enforcement officer who is in the course of conducting an investigation of a crime by another is guilty of a Class 2 misdemeanor.

Patron - Cosgrove

PHB416 Violations of custody or visitation order. Increases the penalty for any person who knowingly, wrongfully and intentionally engages in conduct that constitutes a clear violation of a custody or visitation court order from a Class 4 to a Class 3 misdemeanor. Increases the penalty for a person who commits a second violation of this section within twelve months of a first conviction from a Class 3 to a Class 2 misdemeanor. The penalty for a third violation occurring within twenty-four months of the first conviction is increased from a Class 2 to a Class 1 misdemeanor.

Patron - Reese

PHB432 Carrying firearms during period of protective order. Clarifies that any person with a concealed handgun permit is prohibited from carrying any firearm, concealed or otherwise, for the duration of any protective order, and requires surrender of his permit to the court entering the order. A knowing violation is a Class 1 misdemeanor. This bill is substantially similar to SB 46.

Patron - Hurt

PHB455 Bad checks; notice of nonpayment. Allows an affidavit of service of mailing to be used when a notice to the drawer is sent by regular mail in a civil action for giving a bad check.

Patron - Griffith

PHB456 Crimes; stalking. Exempts law-enforcement officers and regulated private investigators, acting in the course of their business, from the provisions of the stalking statute.

Patron - Griffith

PHB565 Criminal solicitation; penalty. Increases the penalty for soliciting another person to commit a murder from the current Class 6 felony to a term not less than five years or more than 40 years. This bill is identical to SB 321.

Patron - Byron

PHB666 Impersonation of public safety personnel. Raises the punishment for impersonation of a firefighter or other public safety personnel from a Class 3 to a Class 1 misdemeanor.

Patron - Cox

PHB671 Forfeiture of driver's license for driving while intoxicated. Provides that a person loses his driver's license for three years if convicted of driving while intoxicated for the second time within ten years. Currently, apparently by error, there is no time limit and a license could be suspended no matter how many years later the second offense occurs.

Patron - Watts

PHB816 Employee court appearances. Expands the statutory protections currently available to employees who are summoned or subpoenaed to court to include persons "who, having appeared, are required in writing by the court to appear at any future hearing." People in this category would then have the protections of the current statute, which provides that an

employer who discharges, takes adverse personnel action, or requires the use of sick leave or vacation time regarding an employee who has given the employer notice of the court appearance is guilty of a Class 3 misdemeanor. This bill is a recommendation of the Committee on District Courts.

Patron - Almand

PHB931 Charitable Gaming Commission; fair market rental value. Adds a definition of "fair market rental value" and provides clarification of "winner-take-all" games.

Patron - Joannou

PHB951 Criminal background check required for employees of a gun dealer to transfer firearms; exemptions; penalties. Provides an exemption from the requirement of employees of a federally licensed firearms dealer to submit fingerprints if the employees submit a notarized affidavit that they have previously submitted fingerprints to the Bureau of Alcohol, Tobacco and Firearms and were approved by the Bureau. Punishes a false statement in the affidavit as a Class 5 felony.

Patron - Landes

PHB1058 Carrying concealed weapons. Provides that any person otherwise eligible, if he is a member of the United States armed forces, may apply for a concealed handgun permit in the county or city in which he is domiciled even though he may be a resident of another state.

Patron - Melvin

PHB1120 Terrorism. Broadens Virginia's capabilities to respond to terrorism. The bill defines terrorism and weapon of terrorism and punishes committing, aiding and abetting terrorism, manufacture and possession of terrorist and hoax devices, acts of bioterrorism against agricultural crops or animals and making terrorist threats. The bill makes murder in the furtherance of terrorism a capital crime. The bill defines "radiological agent" and provides that the possession, with the intent to injure another, of an infectious biological substance or radiological agent, capable of causing death or serious bodily injury, is a Class 5 felony. A person who manufactures, sells, gives, distributes or uses an infectious biological substance or radiological agent with the intent to injure another is guilty of a Class 4 felony. The bill adds search and rescue and emergency medical services personnel to the section that provides enhanced penalties for malicious bodily injury to law-enforcement officers and fire-fighters. The bill allows the Attorney General to prosecute money laundering with the concurrence of the attorney for the Commonwealth of the locality. The bill expands wiretap capabilities in response to terrorist activity and restricts admission to bail of a person charged with a terroristic crime. The bill also expands seizure and forfeiture law to include property associated with terrorism. The bill allows localities to be reimbursed for emergency response costs for terrorism hoaxes. This bill is identical to SB 514.

Patron - Albo

PHB1154 Medically induced infanticide; penalty. Creates a Class 4 felony for any person to cause the death of a living fetus by deliberately and intentionally performing either: (i) the delivery of a living fetus or a substantial portion thereof into the vagina for the purpose of performing a subprocedure intended to kill the fetus, performing the subprocedure and completing the delivery of the fetus regardless of whether death occurs before or after delivery or (ii) surgically accessing a living fetus by Caesarian section for the purpose of performing a subprocedure intended to kill the fetus, performing the subprocedure and delivering the fetus whether death occurs before or after delivery. The procedure is deemed necessary for the preservation of the life or health of the pregnant woman

only if it will avert her death or avoid a serious risk of substantial and irreversible impairment of a major bodily function. The bill includes a severability clause.

Patron - Marshall, R.G.

PHB1173 Burning object on property of another or public place with intent to intimidate; penalty. Creates a new section without amending existing language in the current cross-burning statute to provide that, without any reference to a cross, any person, with the intent of intimidating another, who burns an object on the private property of another, on a highway or other public place in a manner having a direct tendency to place another in reasonable fear or apprehension of death or bodily injury is guilty of a Class 6 felony. This is in response to the decision of the Virginia Supreme Court in *Black v. Commonwealth*, 2001 Va. Lexis 139 (2001), that found Virginia's cross-burning statute unconstitutional under the First Amendment. This bill is identical to SB 111.

Patron - Sears

PHB1233 Charitable gaming; definition of reasonable and proper business expenses. Provides that payments made pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund shall be deemed a reasonable and proper business expense. As a result, a qualified organization may use proceeds from charitable gaming to make contributions to the Fund.

Patron - Gear

PHB1251 Interference with rescue squad workers; penalty. Increases the penalty for interfering with rescue squad workers performing their duties from a Class 4 misdemeanor to a Class 2 misdemeanor.

Patron - Armstrong

PHB1303 DUI; restricted license. Provides that the court that convicted a person of DUI has continuing jurisdiction over the person during any period of license revocation resulting from that conviction, for the purposes of referring the person to a certified alcohol safety action program and providing a restricted permit whether or not it took either such action at the time of the conviction.

Patron - Griffith

PSB23 Concealed weapon permits. Provides that concealed handgun permits issued by the state of Maryland are valid in the Commonwealth if the holder of the permit is licensed in Maryland to perform duties comparable to those performed by Virginia branch pilots licensed pursuant to Chapter 9 (§ 54.1-900 et seq.) of Title 54.1, is performing such duties in Virginia and the holder of the permit is 21 years of age or older. Branch pilots guide ships in and out of harbors. Additionally, the bill exempts certain retired State Corporation Commission special agents from the section.

Patron - Wagner

PSB44 Violation of court order regarding custody and visitation; penalty. Increases penalties for a person who knowingly, wrongfully and intentionally engages in conduct that constitutes a clear and significant violation of a court order respecting the custody or visitation of a child from a Class 4 to a Class 3 misdemeanor upon conviction of a first offense and from a Class 3 to a Class 2 misdemeanor for a second conviction within 12 months and from a Class 2 to a Class 1 misdemeanor for a third offense within 24 months.

Patron - Reynolds

PSB46 Carrying firearms during period of protective order. Clarifies that any person who is subject to a protective order is prohibited from carrying a concealed handgun

while the order is in effect, even if he holds a concealed handgun permit. The person shall surrender his permit to the court for the duration of the protective order. A violation is a Class 1 misdemeanor. This bill is substantially similar to HB 432.

Patron - Reynolds

PSB111 Burning object on property of another or public place with intent to intimidate; penalty. Creates a new section without amending existing language in the current cross-burning statute to provide that, without any reference to a cross, any person, with the intent of intimidating another, who burns an object on the private property of another, on a highway or other public place in a manner having a direct tendency to place another in reasonable fear or apprehension of death or bodily injury is guilty of a Class 6 felony. This is in response to the decision of the Virginia Supreme Court in *Black v. Commonwealth*, 2001 Va. Lexis 139 (2001), that found Virginia's cross-burning statute unconstitutional under the First Amendment. This bill is identical to HB 1173.

Patron - Miller, Y.B.

PSB221 Telecommunication devices; penalty. Broadens the definition of "telecommunication device" to include devices and software capable of receiving a variety of transmissions, including telephonic, electronic, Internet access, audio and video. The bill modifies the existing violation of selling or manufacturing unlawful telecommunication devices by adding the work "knowingly." Additionally, the bill provides that for the purposes of punishment, the unlawful activities of knowingly selling or manufacturing unlawful telecommunication devices are separate offenses for each device involved. The bill provides for both the forfeiture of unlawful telecommunication devices and the order of restitution. Finally, the bill provides civil relief for any party providing oil, electric, gas, water, telephone, telegraph, telecommunication or cable television service that is aggrieved by notation of certain sections.

Patron - Stolle

PSB321 Criminal solicitation; penalty. Increases the penalty for soliciting another person to commit a murder from the current Class 6 felony to a term not less than five years or more than 40 years.

Patron - Stolle

PSB355 Blood alcohol test admissibility. Provides that a blood alcohol test is admissible as a hospital business record in a prosecution for driving under the influence if the test was taken in a hospital emergency room. The bill also provides that such blood alcohol tests are not considered confidential medical records and that anyone who takes blood, conducts tests, or offers testimony is immune from civil liability for breach of confidentiality or unauthorized release of medical records.

Patron - Reynolds

PSB485 Issuance and violation of stalking protective orders; penalty. The bill provides that, except when necessary for conduct of the criminal proceeding, the address and telephone number of an allegedly stalked person may not be disclosed. The bill also requires that protective order information be entered into the Virginia Criminal Information Network (VCIN) upon receipt.

Patron - Howell

PSB514 Terrorism. Broadens Virginia's capabilities to respond to terrorism. The bill defines terrorism and weapon of terrorism and punishes committing, aiding and abetting terrorism, manufacture and possession of terrorist and hoax devices, acts of bioterrorism against agricultural crops or ani-

mals and making terrorist threats. The bill makes murder in the furtherance of terrorism a capital crime. The bill defines "radiological agent" and provides that the possession, with the intent to injure another, of an infectious biological substance or radiological agent, capable of causing death or serious bodily injury, is a Class 5 felony. A person who manufactures, sells, gives, distributes or uses an infectious biological substance or radiological agent with the intent to injure another is guilty of a Class 4 felony. The bill adds search and rescue and emergency medical services personnel to the section that provides enhanced penalties for malicious bodily injury to law-enforcement officers and fire-fighters. The bill allows the Attorney General to prosecute money laundering with the concurrence of the attorney for the Commonwealth of the locality. The bill expands wiretap capabilities in response to terrorist activity and restricts admission to bail of a person charged with a terrorist crime. The bill also expands seizure and forfeiture law to include property associated with terrorism. The bill allows localities to be reimbursed for emergency response costs for terrorism hoaxes. This bill is identical to HB 1120.

Patron - Stolle

PSB518 Family abuse protective orders; penalty. Provides that the name of a person protected by a protective order shall not be disclosed, unless required by law or necessary for law-enforcement purposes and that no fee shall be charged for filing or serving a protective order. Additionally, the bill requires law-enforcement agencies to enter certain information regarding the protective order, upon receipt, into the Virginia Criminal Information Network System (VCIN).

Patron - Howell

Failed

FHB12 Slander and libel. Repeals section providing that slanders and libels concerning chastity or virtue of a female constitutes a misdemeanor. This bill is a recommendation of the Virginia Code Commission.

Patron - Landes

FHB32 Knowingly harboring a terrorist. Defines knowingly harboring a terrorist. This bill is incorporated into HB 1120.

Patron - Purkey

FHB38 Definition of terrorism, criteria for requesting wiretaps, threats of bodily injury; penalties. Redefines terrorism beyond the existing Code definition of terroristic acts, to include actions typically deemed terroristic, i.e., activities or actions in violation of the criminal laws of the Commonwealth that are violent or are dangerous to human life and that appear to be intended to (i) threaten, intimidate or coerce the civilian population or a segment thereof, or (ii) influence the policy or affect the conduct of government. The bill also expands the law of wiretaps to enable an attorney for the Commonwealth to request a wiretap when he suspects criminal activity deemed terrorism. The bill also redefines the law of "threats of death or bodily injury" so that an oral threat is punishable even if not delivered to the actual intended "victim" and increases the penalty if the purpose of the threat is terrorism. This bill is incorporated into HB 1120.

Patron - Woodrum

FHB58 Accessories after the fact; terroristic acts. Provides that an accessory after the fact to a felony that is a "terroristic act," as defined by § 52-8.5, is guilty of a Class 3 felony. However, if the "terroristic act" results in death, the per-

son is guilty of a Class 2 felony. This bill is incorporated into HB 1120.

Patron - Purkey

FHB129 Violation of court order regarding custody and visitation; penalty. Raises the penalties for clear and significant violations of court ordered custody and visitation from a Class 4 to a Class 1 misdemeanor. Second or subsequent violations within 24 months are raised to a Class 6 felony.

Patron - Jones, J.C.

FHB132 Establishment of gun-free school zones; penalty. Provides that any school division may establish a "gun-free school zone" encompassing the physical boundaries of the school property and areas under exclusive use by the school division, provided that the local governing body has adopted an ordinance enabling the school division to establish such zones. The bill also provides that any person who knowingly possesses any firearm while within a gun-free school zone is guilty of a Class 4 misdemeanor.

Patron - Darner

FHB133 Crimes against nature. Reduces the penalty for crimes against nature, excluding bestiality, between consenting adults from a Class 6 felony to a Class 4 misdemeanor. This bill is incorporated into HB 1140.

Patron - Darner

FHB224 Death penalty. Abolishes the death penalty for Class 1 felonies committed on or after July 1, 2002, and mandates the punishment upon conviction as life imprisonment without the possibility of parole. By virtue of the second enactment clause, the bill does not affect anyone who was convicted of or committed a Class 1 felony prior to the effective date of the bill. The bill leaves the majority of death penalty-related statutes intact for the prosecution or appeal of a death sentence occurring prior to the change in the law.

Patron - Hargrove

FHB244 Certain premises deemed common nuisance; penalty. Provides that any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse, dwelling house, apartment, building of any kind, vehicle, vessel, boat, or aircraft, which with the knowledge of the owner, lessor, agent of any such lessor, manager, chief executive officer, operator, or tenant thereof, is frequented by persons engaged in prostitution or soliciting for prostitution as described in § 18.2-346, or which constitutes a bawdy place as defined in § 18.2-347, to be judicially declared a common nuisance. Any such owner, lessor, agent of any such lessor, manager, chief executive officer, operator or tenant who knowingly permits, establishes, keeps or maintains such a common nuisance and fails to take reasonable action to remedy the problem is guilty of a Class 1 misdemeanor. For a second or subsequent offense, a person is guilty of a Class 6 felony. After due notice and opportunity to be heard, a court may order such house, motor vehicle, aircraft, boat, vessel or other premises be closed but court may, upon owner or lessor giving bond in the penalty of not less than \$500 with security, turn the same over to its owner or lessor; or proceeding may be had in equity pursuant to § 18.2-354.1.

Patron - Drake

FHB269 Wharton's Rule abrogated in drug and munitions delivery cases; penalty. Provides that it is not a defense to an allegation of conspiracy in the law prohibiting the delivery of drugs or explosives to an inmate that all of the alleged conspirators are necessary to the commission of the crime of delivery.

Patron - Landes

FHB343 Penalties for embezzlement; penalties. Provides that no person convicted of embezzlement shall be eligible for community service in lieu of other punishment, that any person convicted of misdemeanor embezzlement shall be sentenced to a minimum, mandatory sentence of five days in jail and that any person convicted of felony embezzlement and who is not committed to the Department of Corrections shall be sentenced to a minimum, mandatory sentence of 10 days in jail. This bill is incorporated into HB 360.

Patron - Albo

FHB359 What constitutes grand larceny. Raises the minimum amount from \$200 to \$500 for a larceny to be considered grand larceny. This bill is incorporated into HB 360.

Patron - Reese

FHB409 Assault and battery against a family member; penalty. Requires that a third conviction of assault and battery against a family member include a mandatory, minimum term of confinement of at least one year, which shall not be suspended, in whole or in part.

Patron - Weatherholtz

FHB453 Virginia Comprehensive Terrorism Act; penalties. Defines "act of terrorism" and makes it a Class 2 felony for commission of the act and a Class 1 felony if someone dies as a result of the act. Additionally, the bill makes possession with the intent to injure of a chemical or nuclear substance a Class 3 felony, increases the penalties for possession or release of an infectious biological substance, increases the penalties for possession or manufacture of fire bombs and explosive devices (including "hoax explosive devices"), makes computer trespass in the commission of an act of terrorism a Class 5 felony, makes committing an act of terrorism with a firearm a separate offense, and makes obtaining unauthorized documents from DMV in conjunction with an act of terrorism a Class 4 felony. The bill also gives the Attorney General or his designee the authority to seek a wiretap for suspected terrorists, expands the applicability of pen registers and trap and trace devices, changes the definitions of "pen register" and "trap and trace" devices, removes physical location and geographic boundary requirements from wiretap applications, and adds to the definition of "electronic communication system." Multijurisdictional grand juries are given the authority to investigate terrorism and acts of terrorism are exempted from situations where an act is a violation of two or more laws and the conviction for one of those laws is a bar to prosecution for the others. The bill adds victims of terrorism to definition of "victims" for purposes of the victims rights provisions and adds search and rescue or EMS personnel to those law-enforcement officials in §18.2-51.1. This bill is incorporated into HB 1120.

Patron - Griffith

FHB544 Crimes; peeping. Makes it a Class 6 felony for a third or subsequent conviction for an offense under the peeping or spying section or for certain other misdemeanor offenses. The bill also eliminates the requirement that the third or subsequent offense occur within 10 years of the conviction of the predicate offenses.

Patron - Bell

FHB563 Abortion; conscience clause. Includes any physician, pharmacist or other medical or health care professional who is asked to dispense any birth-control pill or other medication for the purpose of performing an abortion within the provisions of the conscience clause. The conscience clause states that the objection, in writing, of any facility or practitioner or other person to participating in abortion procedures on

personal, ethical, moral or religious grounds will not be the basis for claims for damages or disciplinary or recriminatory actions or denial of employment.

Patron - Byron

FHB582 Deadly physical force. Grants the occupant of a dwelling immunity from civil liability or criminal prosecution for any injury or death resulting from the occupant's use of force, including deadly physical force, against a person when the other person has unlawfully entered the dwelling, has committed an overt act toward the occupant or another person in the dwelling and the occupant reasonably believes he or another person in the dwelling is in imminent danger of bodily harm.

Patron - Welch

FHB604 Carrying concealed weapons. Provides that a valid concealed handgun permit issued by another state shall be valid in the Commonwealth if the state issues a permit including a photograph of the permittee. The bill removes the requirement that other states maintain 24-hour accessible instant verification and names nine states that currently qualify. Transfers from the State Police to the Attorney General the authority to determine which states' concealed weapon permits are eligible to be recognized in Virginia.

Patron - Black

FHB630 Creating false identification cards. Provides that if any person creates for another person any forged, false, altered, fictitious, facsimile or simulated identification document, including, but not limited to, a birth certificate, student identification card or motor vehicle operator's license, he shall be guilty of a Class 1 misdemeanor.

Patron - O'Brien

FHB706 Carrying firearms during period of protective order. Clarifies that any person with a concealed handgun permit is prohibited from carrying any firearm, concealed or otherwise, for the duration of any protective order, and requires surrender of his permit to the court entering the order. This bill is incorporated into HB 432.

Patron - Armstrong

FHB874 Drug-free day care zone; penalty. Prohibits sale, manufacture, etc. of illegal controlled substances upon the property of any licensed (i) child-caring institution, (ii) child day center or (iii) family day home as defined in § 63.1-195 or upon public property or property open to public use within 1,000 feet of such an institution. An offense would be a felony punishable by one to five years imprisonment and a fine of no more than \$100,000.

Patron - Phillips

FHB903 Harboring a terrorist. Provides that the penalty for any person convicted as an accessory after the fact to a felony or misdemeanor that is a "terroristic act," as defined by § 52-8.5, is the same punishment as the underlying act. This bill is incorporated into HB 1120.

Patron - Purkey

FHB915 Internet gambling. Clarifies that gambling through the Internet or by any other electronic means is a crime subject to the same prohibitions and penalties of live gambling. Such illegal gambling is punishable by Class 3 misdemeanor.

Patron - Marrs

FHB952 Concealed handguns. Prohibits the carrier of a concealed handgun in a public place to consume alcohol or be under the influence of alcohol or illegal drugs and elimi-

notes the restriction on licensed, concealed handguns in restaurants that serve alcohol.

Patron - Ware

FHB979 Threats to release infectious biological or chemical substances; penalty. Adds threats to release infectious biological or chemical substances or radioactive material to the existing section of the Code of Virginia related to bomb threats. This bill is incorporated into HB 260.

Patron - Pollard

FHB1005 Burning object on property of another or public place with intent to intimidate; penalty. Rewrites the cross-burning statute, without any reference to a cross or other object and without any presumption of intent to intimidate, to provide that any person, with the intent of intimidating another, who burns an object on the property of another, on a highway or other public place is guilty of a Class 6 felony. This is in response to the decision of the Virginia Supreme Court in *Black v. Commonwealth*, 2001 Va. Lexis 139 (2001), that found Virginia's cross-burning statute unconstitutional under the First Amendment. This bill is incorporated into HB 1173.

Patron - McDonnell

FHB1009 Violation of court order regarding custody and visitation; penalty. Raises the penalties for clear and significant violations of court ordered custody and visitation from a Class 4 to a Class 1 misdemeanor. Second or subsequent violations within 24 months are raised to a Class 6 felony.

Patron - Van Yahres

FHB1059 Burning object on property of another or public place with intent to intimidate; penalty. Rewrites the cross-burning statute, without any reference to a cross or other object and without any presumption of intent to intimidate, to provide that any person, with the intent of intimidating another, who burns an object on the property of another, on a highway or other public place is guilty of a Class 6 felony. This is in response to the decision of the Virginia Supreme Court in *Black v. Commonwealth*, 2001 Va. Lexis 139 (2001), that found Virginia's cross-burning statute unconstitutional under the First Amendment. This bill is incorporated into HB 1173.

Patron - Melvin

FHB1081 Sodomy between consenting adults; penalty. Decriminalizes sodomy between consenting adults with the exception that sodomy in public would remain a Class 6 felony. The bill also provides that solicitation of carnal knowledge would be a Class 6 felony. This bill is incorporated into HB 1140.

Patron - Brink

FHB1140 Sodomy between consenting adults; penalty. Decriminalizes sodomy between consenting adults with the exception that sodomy in public would remain a Class 6 felony. The bill also provides that solicitation of carnal knowledge would be a Class 6 felony.

Patron - Dillard

FHB1227 Infectious biological substances; penalty. Redefines the term "infectious biological substance" to mean any bacteria, viruses, fungi, protozoa, or rickettsiae capable of causing death or serious bodily injury and defines the term "imitation infectious biological substance" to mean any substance in any form whatsoever that is not an infectious biological substance, and which by overall appearance or by representations made, would cause the substance to be mistaken by a reasonable person for an infectious biological substance. The bill also punishes possession and use of an

imitation infectious biological substance and raises penalties for a violation of the law prohibiting possession and use of an infectious biological substance. This bill is incorporated into HB 260.

Patron - Purkey

FHB1254 Forfeiture of driver's license for DWI. Reinserts a 10-year limitation period for the commission of a second offense in order for a person to forfeit his privilege to drive for three years. This limitation period was the law prior to July 1, 2001, and was deleted after this section was amended by legislation enacted by the 2001 Session.

Patron - Howell

FHB1274 Out-of-state concealed handgun permits. Provides that concealed handgun permits issued by another state are valid in Virginia if the permit holder also carries valid, government-issued photo identification. This bill is incorporated into HB 604.

Patron - Abbitt

FHB1281 Concealed handgun permit; retired law-enforcement officers. Provides that retiring law-enforcement officers who are domiciled and working in the Commonwealth and in good standing at the time of retirement may be granted, upon retirement, a concealed handgun permit without application. This bill is incorporated into HB 223.

Patron - Athey

FHB1355 Possessing a dangerous weapon in a publicly owned recreation or community center; penalty. Allows the governing body of any county with an urban county executive form of government to adopt an ordinance making the possession of a dangerous weapon in a publicly owned recreation or community center a Class 1 (or less) misdemeanor. Exceptions are included for law enforcement personnel and court personnel.

Patron - Hull

FSB25 DUI; penalty. Provides a minimum mandatory sentence of two days in jail for anyone convicted of DUI. This is in addition to penalties that currently exist in the Code of Virginia.

Patron - Reynolds

FSB128 Hate crimes; penalty. Adds gender, physical disability and sexual orientation to the categories of acts for which a person may seek injunctive relief or file an action for damages. The bill also adds gender, physical disability and sexual orientation to the categories of victims whose selection for a "hate crime" involving assault or trespass amplifies the Class 1 misdemeanor or Class 6 felony penalty. The penalty includes a mandatory, minimum term. The bill also expands the terroristic act reporting requirements of the State Police.

Patron - Ticer

FSB143 Sex Offender and Crimes Against Minors Registry. Requires registration of persons who have been convicted of unlawful photographing, videotaping or filming of a nonconsenting person who is nude or in a state of undress that exposes private body parts in circumstances where the person would have a reasonable expectation of privacy.

Patron - Ticer

FSB196 Virginia Alcohol Safety Action Program (VASAP) eligibility for nonresidents. Provides that any person who has been convicted of driving under the influence in the Commonwealth and is domiciled in Virginia but has failed to establish residency or acquire a Virginia motor vehicle operator's license, may petition the general district court of the

county or city in which he is domiciled that he be given probation and assigned to a VASAP program.

Patron - Deeds

FSB223 Terrorism; penalties. Defines terrorism to include activities or actions in violation of the criminal laws of the Commonwealth that are violent or are dangerous to human life and that appear to be intended to (i) threaten, intimidate or coerce the civilian population or a segment thereof, or (ii) influence the policy or affect the conduct of government. The bill also defines imitation infectious biological substances and redefines infectious biological substances, and raises penalties for use of infectious biological substances. The bill redefines the elements necessary for a prosecution under the "threats" statute to clarify that either oral or written threats do not have to be delivered to the intended victim to be punishable. The bill adds culpability for threatening to poison a place or compelling the evacuation of a place to the "bomb threat" statute that now punishes just bomb threats. The bill increases punishment under that same statute if the act is done in the furtherance of terrorism. The bill allows the Attorney General to apply for a wiretap if he suspects someone of felonious activity in furtherance of terrorism. The bill creates the rebuttable presumption that a terrorist is ineligible for bail. This bill is incorporated into SB 514.

Patron - Stolle

FSB228 Carrying concealed weapons. Transfers from the State Police to the Attorney General the authority to determine which states' concealed weapon permits are eligible to be recognized in Virginia and to maintain that information on VCIN and to provide the VCIN information to law-enforcement. The bill also specifies that persons holding permits from the states of Arkansas, North Carolina, Tennessee, West Virginia and Washington may carry a concealed weapon in Virginia.

Patron - Trumbo

FSB305 Use of firearm in committing felony. Provides that punishment for the use or display of a firearm in committing a felony must run consecutively with punishment for any other charge or offense. Under current law punishment cannot run consecutively with the punishment received for the primary offense.

Patron - Edwards

FSB315 Virginia Comprehensive Terrorism Act; penalties. Defines "act of terrorism" and makes it a Class 2 felony for commission of the act and a Class 1 felony if someone dies as a result of the act. Additionally, the bill makes possession with the intent to injure of a chemical or nuclear substance a Class 3 felony, increases the penalties for possession or release of an infectious biological substance, increases the penalties for possession or manufacture of fire bombs and explosive devices (including "hoax explosive devices"), makes computer trespass in the commission of an act of terrorism a Class 5 felony, makes committing an act of terrorism with a firearm a separate offense, and makes obtaining unauthorized documents from DMV in conjunction with an act of terrorism a Class 4 felony. The bill also gives the Attorney General or his designee the authority to seek a wiretap for suspected terrorists, expands the applicability of pen registers and trap and trace devices, changes the definitions of "pen register" and "trap and trace" devices, removes physical location and geographic boundary requirements from wiretap applications, and adds to the definition of "electronic communication system." Multijurisdictional grand juries are given the authority to investigate terrorism and acts of terrorism are exempted from situations where an act is a violation of two or more laws and the conviction for one of those laws is a bar to prosecution for the others. The bill adds victims of terrorism to definition of

"victims" for purposes of the victims rights provisions and adds search and rescue or EMS personnel to those law-enforcement officials in §18.2-51.1. This bill is incorporated into SB 514.

Patron - Stolle

FSB361 Blood alcohol test admissibility. Provides that a blood alcohol test is admissible in a prosecution for driving under the influence if that test was taken in an emergency room at the request of and for use by the emergency room physician for the purpose of assisting in diagnosis and treatment. Such a test would be admissible as a hospital business record. Physician-patient confidentiality regarding the test is negated, and civil immunity is provided to anyone who offers testimony pursuant to the blood test.

Patron - Reynolds

FSB410 Burning object on property of another or public place with intent to intimidate; penalty. Rewrites the cross-burning statute, without any reference to a cross or other object and without any presumption of intent to intimidate, to provide that any person, with the intent of intimidating another, who burns an object on the property of another, on a highway or other public place is guilty of a Class 6 felony. This is in response to the decision of the Virginia Supreme Court in *Black v. Commonwealth*, 2001 Va. Lexis 139 (2001), that found Virginia's cross-burning statute unconstitutional under the First Amendment. This bill is incorporated into SB 111.

Patron - Rerras

FSB418 Internet gambling. Clarifies that gambling through the Internet or by any other electronic means is a crime subject to the same prohibitions and penalties of live gambling. Such illegal gambling is punishable by Class 3 misdemeanor.

Patron - Rerras

FSB420 Certain premises deemed common nuisance; penalty. Provides that any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse, dwelling house, apartment, building of any kind, vehicle, vessel, boat or aircraft that, with the knowledge of the owner, lessor, agent of any such lessor, manager, chief executive officer, operator or tenant thereof, is frequented by persons engaged in prostitution or soliciting for prostitution as described in § 18.2-346, or that constitutes a bawdy place as defined in § 18.2-347 be judicially declared a common nuisance.

Patron - Rerras

FSB421 Bioterrorism. Strengthens the laws relating to possession, manufacture, storage, and release of pathogens, through the mail or by any other distribution or transmission method, with the intent to infect, injure or cause death to people or animals through the spread of infection with such pathogen. This bill provides for consistency in the penalty for such actions by increasing some penalties from a Class 5 felony to a Class 3 felony. "Pathogen" includes any bacteria, virus, spirochete, fungi, protozoa, rickettsiae, yeast or other living body or viable particle or other microorganism not perceptible to the naked eye that is capable of causing death. Thus, the definition of pathogen covers those microorganisms that are commonly known to cause disease as well as spores, virions, prions, etc. This bill is incorporated into SB 514.

Patron - Rerras

FSB422 Terrorism; penalty. Provides that when a terroristic act results in the death of any person, the mastermind of such terroristic act shall be guilty of a Class 1 felony

and eligible for the death penalty. This bill is incorporated into SB 514.

Patron - Rerras

FSB461 Burning object on property of another or public place with intent to intimidate; penalty. Rewrites the cross-burning statute, without any reference to a cross or other object and without any presumption of intent to intimidate, to provide that any person, with the intent of intimidating another, who burns an object on the property of another, on a highway or other public place is guilty of a Class 6 felony. This is in response to the decision of the Virginia Supreme Court in *Black v. Commonwealth*, 2001 Va. Lexis 139 (2001), that found Virginia's cross-burning statute unconstitutional under the First Amendment. This bill is incorporated into SB 111.

Patron - Marye

FSB507 Criminal solicitation; penalty. Increases the penalty for soliciting another person to commit a murder from the current Class 6 felony to a term not less than five years or more than 40 years. This bill is incorporated into SB 321.

Patron - Newman

FSB571 Charitable Gaming Commission; appointment of Executive Secretary. Provides for the Governor to appoint the Executive Secretary of the Charitable Gaming Commission. The bill also provides for the Executive Secretary to appoint employees of the Commission. Under current law, the Commission appoints the Executive Secretary and employees.

Patron - Potts

FSB622 Gun-free school zones. Authorizes school divisions to establish "gun-free school zones" around school property if the local governing body adopts an ordinance enabling the school division to establish such zones. School boards are required to obtain public comment at a public hearing at least ten days after giving reasonable notice to the public in a newspaper of general circulation in the school division. No firearms will be allowed in a school division established "gun-free school zone" under any conditions or circumstances except when used in a school-sponsored curriculum or program or when in the possession of law-enforcement, military, or government officials authorized to carry firearms while engaged in their duties. A notice will be posted at all entrances to school property, around the perimeter of the property, and at all school-sponsored or extracurricular events under exclusive use by the school division. Violation of the prohibition in this act against carrying guns into the gun-free school zones would be Class 4 misdemeanors, i.e., a fine of not more than \$250.

Patron - Byrne

FSB635 Escape and custody. Redefines the law of custody as follows: a person shall be deemed to be lawfully in the custody of a law-enforcement officer if, when he receives an oral communication from the officer that he is under arrest, (i) the officer has the immediate ability to detain the person and (ii) a person of ordinary intelligence and understanding who received such communication would know that he is not free to leave. This change overrules the holding in *Cavell v. Commonwealth*, 28 VA. App. 484, 506 S. E. 2d 552 (1998).

Patron - Stolle

FSB665 Obstruction of justice. Adds clerks to list of officials protected under obstruction of justice and allows for punishment as contempt violence, threats of violence, and vile, contemptuous or insulting language against a clerk associated with a court proceeding.

Patron - Rerras

Carried Over

CHB142 Criminal possession of black powder. Makes the sale of black powder used in the manufacture of explosives punishable as a Class 1 misdemeanor if a chemical tag is not included for purposes of identifying the powder.

Patron - Purkey

CHB149 Feticide; penalty. Provides that it is a Class 4 felony if any person willfully and deliberately and unlawfully terminates the life of a fetus by serious bodily injury to the mother.

Patron - Kilgore

CHB210 Stalking; penalty. Expands conduct that is prohibited for the purposes of stalking to include repeatedly maintaining a visual or close physical proximity to a person or repeatedly conveying oral or written threats, threats implied by conduct or a combination of threats and conduct directed at a person and also means to annoy or alarm another person, communicating by mechanical or electronic means or otherwise with that person, communicating by telephone, telegraph, mail or any other form of written communication, communicating via computer, use of computer networking, electronic mail, and utilizing the Internet to gain unauthorized access to personal, medical, financial or other identifying information.

Patron - O'Bannon

CHB220 Assault and battery against a family or household member; penalty. Allows Class 6 felony punishment of a person convicted of three or more family assaults if the assaults involve two or more different victims. Currently, enhanced punishment is only made applicable when the assaults occur on different dates.

Patron - Carrico

CHB268 Concealing or compounding offenses. Raises the punishment for concealing or compounding offenses; if the offense is a felony, to a Class 6 felony from a Class 2 misdemeanor, and if the underlying offense is a misdemeanor, to the same punishment as the principal offender may receive.

Patron - Landes

CHB360 Petit and grand larceny; penalty. Provides that in those sections of the Code that refer to larceny punishments, larceny is punished in accordance with §§ 18.2-95 and 18.2-96.

Patron - Reese

CHB366 Crimes; impersonating an officer. Increases the penalty for impersonating a law-enforcement officer from a Class 1 misdemeanor to a Class 6 felony.

Patron - Cosgrove

CHB408 Protective orders. Makes it a Class 6 felony for violating certain protective orders that prohibit certain persons from going or remaining upon land, buildings or premises or from further acts of family abuse, or which prohibit contacts between that person and family or household members. The legislation also provides for a mandatory, minimum penalty of one year in prison, which shall not be suspended, in whole or in part.

Patron - Weatherholtz

CHB546 Controlled substances; penalty. Raises the penalty for illegally manufacturing, selling, distributing, etc., a

Schedule III or IV controlled substance from a Class 1 misdemeanor to a Class 6 felony.

Patron - Kilgore

CHB644 Capital murder; penalty. Adds burglary and attempted burglary to the list of offenses which, if committed in conjunction with the willful, deliberate, and premeditated killing of a person, constitutes capital murder.

Patron - O'Brien

CHB811 Definition of concealed weapon; penalty. Removes "by action of an explosion" from the definition of weapon for purposes of the concealed weapon prohibitions. Currently, in order to qualify as a concealed weapon, the weapon must propel a missile by explosion of a combustible material.

Patron - Almand

CHB838 Use of firearm in committing felony. Provides that punishment for the use or display of a firearm in committing a felony must run consecutively with punishment for any other charge or offense. Under current law, punishment cannot run consecutively with the punishment received for the primary offense.

Patron - Thomas

CHB893 Capital murder of a law-enforcement officer; penalty. Provides that the willful, deliberate, and premeditated killing of a law-enforcement officer because of his present or former status as a law-enforcement officer is punishable as capital murder.

Patron - McDougle

CHB932 Assault and battery against a family or household member; penalty. Expands the crime of assault and battery against a family or household member (Class 1 misdemeanor for a first offense) to include as a victim, a child of a family or household member.

Patron - Marrs

CHB956 Hate crimes; penalty. Adds sexual orientation, age, gender and mental or physical disability to categories of acts for which a person may seek injunctive relief or file an action for damages. The bill also adds sexual orientation, age, gender and mental or physical disability to the categories of victims whose selection for a "hate crime" involving assault or trespass amplifies the Class 1 misdemeanor or Class 6 felony penalty. The penalty includes a mandatory, minimum term. The bill also expands the terroristic act reporting requirements of the State Police.

Patron - Almand

CHB958 Carrying weapon into State Capitol; penalty. Provides that any person who possesses in or transports into the State Capitol Building or the General Assembly Building any (i) gun or other weapon designed or intended to propel a missile or projectile of any kind, (ii) frame, receiver, muffler, silencer, missile, projectile or ammunition designed for use with a dangerous weapon and (iii) any other dangerous weapon, is guilty of a Class 1 misdemeanor.

Patron - Almand

CHB1016 Possession of firearms following the conviction of certain crimes; penalty. Prohibits persons convicted of stalking, sexual battery or assault and battery on a family member (that results in serious bodily injury) from possessing or transporting firearms for a period of five years following conviction. There is a provision to allow the person to

petition the circuit court to reinstate the right to carry or transport firearms.

Patron - Scott

CHB1028 Computer fraud; penalties. Increases the penalty for computer fraud to a felony in cases where three or more persons are defrauded regardless of the amount involved.

Patron - Moran

CHB1100 Crimes; issuing bad check; penalty. Includes within the crime of issuing a bad check the payment of taxes, fees or other charges due a locality with a bad check.

Patron - Johnson

CHB1234 Suspension of driver's license upon conviction of a driving offense resulting in the death of any person. Suspends the driver's license for six months to 12 months of a person convicted of a traffic offense that results in death of any person.

Patron - Gear

CSB497 Death penalty. Prohibits the imposition of the death penalty on mentally retarded persons. The bill has a delayed effective date of July 1, 2003.

Patron - Edwards

CSB591 Drug Treatment Court. Provides that the Department of Criminal Justice Services has administrative oversight for the establishment and operation of drug treatment courts with the assistance of a state drug treatment court advisory committee. The bill requires the establishment of local drug treatment advisory committees in jurisdictions that operate drug courts. Anyone convicted of a violent felony within ten years would not be eligible for participation in a drug treatment court. There are provisions to evaluate the effectiveness of the court.

Patron - Houck

Criminal Procedure

Passed

PHB18 Who are conservators of the peace. Adds any special agent of the Office of the Inspector General of the Department of Transportation to that list of persons considered conservators of the peace while engaged in the performance of their official duties.

Patron - Orrock

PHB41 Wiretaps. Allows officers from a town police department to observe or monitor an interception if that police department originated the investigation leading to the wiretap application.

Patron - Woodrum

PHB52 Deletion of obsolete Code references. Strikes cross-references to § 46.2-626, which was repealed in 1996. This bill is a recommendation of the Virginia Code Commission in furtherance of the objective to identify obsolete provisions of law pursuant to § 30-151.

Patron - Landes

PHB68 Appeal by the Commonwealth. Allows for an appeal from a circuit court in certain felony actions provided the Commonwealth certifies that the appeal is not taken for purpose of delay and that the evidence is substantial proof of a fact material in the proceeding. Under current law, the Com-

monwealth must certify that the evidence is essential to the prosecution.

Patron - Janis

PHB242 Public defender's office. Establishes a public defender's office in the City of Norfolk.

Patron - Drake

PHB370 Sealing of grand jury indictment. Specifies that upon ex parte motion by the Commonwealth and for good cause shown, the circuit court may seal an indictment until the defendant is arrested.

Patron - Cosgrove

PHB405 Criminal history record information; Compeer. Allows volunteers of any Virginia affiliate of Compeer to obtain, at no cost, personal criminal history records in connection with a person's application to become a Compeer volunteer. Compeer brings trained volunteers together with adults and children receiving mental health services in one-on-one matches.

Patron - Weatherholtz

PHB452 Sex Offender Registry. Requires persons convicted of a second or subsequent violation of an offense for which registration is required to continue to reregister for their lifetime. This provision is necessary to bring Virginia into compliance with the Jacob Wetterling Act and to avoid the loss of federal funds under that act.

Patron - Griffith

PHB724 Confidentiality of pretrial and community-based probation records. Exempts any pretrial investigation report or other records of a local pretrial services agency and any report or other records of a local community-based probation agency from the Virginia Freedom of Information Act.

Patron - Howell

PHB892 Saliva or tissue sample required for DNA analysis upon arrest for a violent felony. Requires every person arrested for a violent felony to submit a saliva or tissue sample for DNA analysis. The bill also requires that the sample and any record thereof be destroyed by the Division of Forensic Science if the person is found not guilty or the case is dismissed.

Patron - McDougle

PHB1043 Criminal history records information. Provides that each local board of social services and licensed child-placing agency shall obtain and consider, in accordance with regulations adopted by the State Board of Social Services, criminal history record information from the Central Criminal Records Exchange and the results of a search of the child abuse and neglect central registry of any individual with whom the local board or agency is considering placing a child on an emergency, temporary or permanent basis, including the birth parent of a child in foster care placement. The local board or agency may also obtain such a criminal records or central registry search on all adult household members residing in the home of the individual with whom the child is to be placed. In emergency circumstances, each local board or licensed child-placing agency may obtain, from a criminal justice agency, criminal history record information through the Virginia Criminal Information Network. This bill is identical to SB 219.

Patron - Moran

PHB1117 Sex offender registration; penalty. Requires any person under a duty to register as a sex offender to initially register or, upon change of residence, to reregister in

person with the law-enforcement agency of the jurisdiction in which the registrant resides. Upon registration or reregistration, the local law-enforcement agency shall obtain from the registrant two sets of fingerprints, proof of residency and two photographs of a type and kind specified by the State Police for inclusion in the Registry. The registrant must provide a governmental photo-ID to establish proof of residence. Under current law, the registrant may reregister by mail.

Patron - Janis

PHB1230 DNA testing. Eliminates language in the section so that lawfully acquired DNA samples obtained in a criminal investigation can be used by law-enforcement officials for comparison with evidence obtained in other crimes.

Patron - Keister

PSB97 Presentence mental evaluation of sex offenders. Requires the examiner's report to be confidential except as needed for the prosecution or defense of an offense or for assessment by the Attorney General for civil commitment and requires that it be sealed once the sentencing order is entered. The defendant is required to return to the court his copy of the report at the conclusion of sentencing.

Patron - Howell

PSB135 Speedy trial. Provides that a criminal trial is commenced at the point when jeopardy would attach or when a plea of guilty or nolo contendere is tendered by the defendant. As introduced, this bill is a recommendation of the Judicial Council.

Patron - Stolle

PSB136 Detention and Diversion Centers. Provides that an evaluation for participation in the Detention Center Incarceration Program or the Diversion Center Incarceration Program can occur upon motion of the attorney for the Commonwealth or the court's own motion, as well as the defendant's motion. This bill is a recommendation of the Judicial Council.

Patron - Stolle

PSB137 Criminal Injuries Compensation Fund. Allows Virginia residents to access the Fund if victimized while traveling in another country or in a territory. The bill provides that the parent of a child victim may apply for compensation on behalf of the child, so the parent can get lost wages for medical and legal appointments, etc. The bill also allows the person who paid for the victim's funeral to be reimbursed rather than limiting funeral reimbursement to certain relatives. The top limit award for weekly wages is increased from \$200 to \$600 and for moving expenses is increased from \$500 to \$1,000. Attorneys for the Commonwealth are directed to request restitution when an award has been made from the Fund, so that the Fund can be reimbursed.

Patron - Stolle

PSB219 Criminal history records information incident to placement of a foster child. Provides that each local board of social services and licensed child-placing agency shall obtain and consider, in accordance with regulations adopted by the State Board of Social Services, criminal history record information from the Central Criminal Records Exchange and the results of a search of the child abuse and neglect central registry of any individual with whom the local board or agency is considering placing a child on an emergency, temporary or permanent basis, including the birth parent of a child in foster care placement. The local board or agency may also obtain such a criminal records or central registry search on all adult household members residing in the home of the individual with whom the child is to be placed. In emergency circumstances,

each local board or licensed child-placing agency may obtain, from a criminal justice agency, criminal history record information through the Virginia Criminal Information Network. This bill is identical to HB 1043.

Patron - Ticer

PSB291 Commonwealth's right to appeal in felony actions. Expands the Commonwealth's right to appeal by providing that any circuit court sentencing order that is contrary to statutory mandatory sentencing or restitution terms is appealable.

Patron - Norment

PSB317 Public Defender Commission; duties. Requires the Public Defender Commission to (i) require and ensure that each public defender office collects and maintains caseload data and fields in a case management database on an annual basis, (ii) report annually on or before October 1 to the Virginia State Crime Commission, the House and Senate Committees for Courts of Justice, the House Committee on Appropriations, and the Senate Committee on Finance detailing Virginia's ranking amongst the 50 states in terms of pay allowed for court-appointed counsel, cost effectiveness of the various public defender offices and the cost effectiveness of establishing public defender offices in those localities that do not offer public defender services and (iii) establish four regional capital defense units by the end of fiscal year 2004. The bill also requires that in capital cases after July 1, 2004, one attorney in indigent capital cases be appointed from a capital defense unit established by the Public Defender Commission.

Patron - Stolle

PSB353 DUI; blood alcohol test. Increases the time limit for implied consent in post-arrest chemical tests. Under current law a person arrested is deemed to have consented to breath and blood tests if the person is arrested within two hours of the alleged offense. This bill increases that time to three hours.

Patron - Reynolds

PSB357 Venue in homicide cases. Provides that when it is unknown where the crime was committed and the victim is removed from the Commonwealth for medical treatment prior to death and dies outside the Commonwealth, venue exists in the jurisdiction where the victim was when removed for medical treatment.

Patron - Reynolds

PSB419 DNA sample of felons; payment. Provides for a \$25 fee for withdrawal of the blood, saliva or tissue sample required to be taken from all felons. The fee will be taxed as part of the costs of the criminal case resulting in the felony conviction and one-half is to be paid into the general fund of the locality where the sample was taken and one-half into the general fund of the state treasury.

Patron - Rerras

PSB482 Persons acquitted of misdemeanors by reason of insanity. Provides that a person found not guilty of a misdemeanor by reason of insanity shall remain in the custody of the Commissioner of Mental Health and Mental Retardation for a period not to exceed one year from the date of acquittal and also provides that prior to or at the conclusion of one year, if the Commissioner determines that the acquittee meets the criteria for release, emergency custody, temporary detention or involuntary commitment, he shall file a petition to accomplish same. The Commissioner must notify the committing attorney for the Commonwealth prior to release.

Patron - Howell

PSB513 Costs of extradition. Requires a fugitive found guilty to pay the costs of extradition. Currently, only a fleeing probationer or parolee who must be extradited must pay the costs.

Patron - Reynolds

PSB535 DNA analysis upon arrest for a violent felony. Requires a saliva or tissue DNA sample to be taken from every person arrested for a violent felony. If the charge is dismissed or the person is acquitted at trial the DNA sample must be destroyed by the Division of Forensic Science. The bill further provides for civil immunity for the sample taker unless he is negligent. The bill has an effective date of January 1, 2003.

Patron - Mims

PSB633 DNA testing. Removes provision that prohibits inclusion of blood samples and results of analysis of the samples submitted to the Division of Forensic Science in the DNA data bank established by the Division.

Patron - Edwards

PSB634 Revocation of suspended sentence. Rewrites statute governing revocation of suspended sentence and probation for clarity and to allow the court to issue process (a *capias* or show cause) to a defendant within one year of the expiration of the probationary period. Under current law the hearing itself must be held within one year of the expiration of the probationary period.

Patron - Stolle

Failed

FHB69 Arrest in lieu of service of summons in minor misdemeanor case. Allows an officer who has temporary custody of a person who committed a minor misdemeanor to either arrest the person or issue a summons. Currently, only a summons can be issued unless the person refuses to sign it or presents some other danger that gives rise to the officer's right to place the individual under arrest.

Patron - Janis

FHB306 Civil commitment of sexually violent predators. Extends the effective date of the Acts of Assembly that provide for the civil commitment of sexually violent predators from January 1, 2003, to January 1, 2005.

Patron - McDonnell

FHB312 Confidentiality of pretrial records. Exempts any pretrial investigation report prepared by a local pretrial services officer or agency from the Virginia Freedom of Information Act.

Patron - Howell

FHB355 Property forfeitures in drug cases. Allows all cash, negotiable instruments and proceeds from a sale after forfeiture to be retained by the local law-enforcement agency, at the option of the political subdivision primarily responsible for the forfeiture. Currently, all forfeitures must be paid over to Department of Criminal Justice Services for distribution in accordance with statutory scheme.

Patron - Sears

FHB509 Competency of court-appointed counsel. Requires the Supreme Court and Public Defender Commission to establish minimum standards of competency for attorneys admitted to practice law in Virginia who are qualified to represent defendants charged with a crime the penalty for which may be incarceration.

Patron - Drake