

credit report and expungement of false identity information in police and court records. This bill is identical to HB 2175.

Patron - Mims

PSB1019 Driving while intoxicated; penalty. Provides mandatory, minimum fines for conviction of driving while intoxicated. For a first offense, \$250; for a second offense, \$500; and for a third or subsequent offense, \$1,000. Also mandates a mandatory, minimum five days in jail for a conviction with a passenger in the vehicle who is 17 years of age or younger.

Patron - Mims

PSB1071 Drugs on or near certain properties; penalty. Clarifies that the prohibition against possessing drugs with intent to distribute on school properties, recreation centers, libraries, and hospitals applies regardless of where the person intended to distribute the drugs. This bill is identical to HB 2615.

Patron - Rerras

PSB1135 Subpoena duces tecum for financial records in criminal matter. Requires a financial institution or credit card issuer to disclose bank records or credit card information concerning a customer upon the issuance of a subpoena duces tecum. Provision is made for the financial institution or credit card issuer to move to quash or modify the subpoena duces tecum if compliance would cause an undue burden and for holding harmless the financial institution or credit card issuer or its employees for releasing such information or records pursuant to an order. The statement of facts documenting the reasons the records or information is sought will be sealed upon issuance of the subpoena duces tecum, and the use of such records or information is limited to the investigation and legitimate law-enforcement purposes. At the end of the investigation the records or information will be sealed. A provision is added allowing seizure of certain property used in money laundering and punishable as a felony under the laws of another state or territory of the United States, the District of Columbia, or the United States. This bill is identical to HB 1928.

Patron - Norment

PSB1138 Larceny; penalties. Provides that conspiracy to commit larceny where the aggregate value of the goods is more than \$200 is punishable by confinement in a state correctional facility for not less than one year nor more than 20 years. The willful concealment of merchandise is prima facie evidence of intent to convert and defraud the owner of his property. The commission of larceny of property with a value of \$200 or more with the intent to sell or distribute the property is punishable by confinement for not less than two years and not more than 20. The knowing resale or attempted resale of stolen merchandise with an aggregate value of \$200 or more is punishable as a Class 5 felony. The penalty for manufacturing, distributing or possessing a laminated bag or other shoplifting device is increased from a Class 3 to a Class 1 misdemeanor.

Patron - Stolle

PSB1139 Computer crimes; enhanced penalties; forfeiture; etc. Provides that certain obscenity violations are, when accomplished with a computer, subject to separate and distinct punishment. Adds enhancements for punishment of computer fraud based on volume of e-mail and revenue generated. Raises penalty for computer trespass. Raises penalty for theft of computer services based on value of services. Establishes an alternate method for calculating statutory civil damages for a person who is injured by reason of any violation of the Computer Crimes Act, based on the number of complaints, degree of culpability, amount of economic gain, and prior his-

tory. The bill also adds a seizure and forfeiture provision allowing for forfeiture of all proceeds and equipment received from violations of the Computer Crimes Act. This bill is identical to HB 2290.

Patron - Stolle

PSB1140 Stun weapons or tasers. Restores the provision enacted in 2001 (HB 2327 and SB 1306) making possession of stun weapons and tasers by convicted felons a Class 6 felony. An accompanying exception allowing possession of stun weapons and tasers in the felon's residences or curtilages thereof inadvertently expanded the exception to include all firearms. In 2002 HB 300 was introduced to fix that problem but inadvertently removed the prohibition on possession of stun weapons and tasers by convicted felons.

Patron - Stolle

PSB1151 Abandoned babies; affirmative defense to prosecution. Provides that when a parent voluntarily delivers a child no older than 14 days to a hospital or rescue squad, the parent will have an affirmative defense to prosecution for abuse or neglect, if the abuse or neglect prosecution is based solely upon having left the baby at such facility. Personnel who accept babies under these conditions are immune from liability absent gross negligence or willful misconduct. This bill is identical to HB 2447.

Patron - Stolle

PSB1153 Child Pornography Images Registry; child pornography; penalties. Requires the Office of the Attorney General, in cooperation with the Department of State Police, to maintain a Child Pornography Registry that includes images of sexually explicit visual material presented as evidence and used in a conviction for possession, production, publication, sale, financing or intent to distribute, sexually explicit items involving children. The Registry is to be used for the administration of criminal justice and unauthorized use is a Class 6 felony. The bill increases the penalties for child pornography possession to a Class 6 felony (from a Class 1 misdemeanor) and second and subsequent offenses to a Class 5 felony (from a Class 6 felony). This bill is identical HB 2457.

Patron - Stolle

PSB1205 Partial birth infanticide. Defines "partial birth infanticide" as any deliberate act that (i) is intended to kill a human infant who has been born alive, but who has not been completely extracted or expelled from its mother, and that (ii) does kill such infant, regardless of whether death occurs before or after extraction or expulsion from its mother has been completed. The term "partial birth infanticide" will not include (i) the suction curettage abortion procedure, (ii) the suction aspiration abortion procedure, (iii) the dilation and evacuation abortion procedure involving dismemberment of the fetus prior to removal from the body of the mother, or (iv) completing delivery of a living human infant and severing the umbilical cord of any infant who has been completely delivered. "Human infant who has been born alive" is defined as a product of human conception that has been completely or substantially expelled or extracted from its mother, regardless of the duration of pregnancy, which after such expulsion or extraction breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached. "Substantially expelled or extracted from its mother" is defined as, in the case of a head first presentation, the infant's entire head is outside the body of the mother, or, in the case of breech presentation, any part of the infant's trunk past the navel is outside the body of the mother. The bill punishes the act of "partial birth infanticide" as a Class 4 felony. This provision will not prohibit the use by a physician

of any procedure that, in reasonable medical judgment, is necessary to prevent the death of the mother, so long as the physician takes every medically reasonable step, consistent with such procedure, to preserve the life and health of the infant. A procedure will not be deemed necessary to prevent the death of the mother if completing the delivery of the living infant would prevent the death of the mother. The mother cannot be prosecuted for any criminal offense based on the performance of any act or procedure by a physician in violation of this section. This provision also amends vital statistics law to modify the definition of "live birth" to include substantial expulsion or extraction of the product of human conception from its mother and to add a definition of "substantial expulsion or extraction." A second enactment clause repeals the partial birth abortion provision.

Patron - Newman

PSB1210 Crimes; peeping. Makes it unlawful for a landlord to enter upon property leased or rented to a tenant and secretly or furtively peep, spy or attempt to peep or spy into or through a window, door or other aperture of any building, structure, or other enclosure, without just cause, under circumstances that would violate the occupant's reasonable expectation of privacy.

Patron - Newman

PSB1233 Crimes; damage to business reputation, etc. Eliminates the prohibition placed on plaintiff's counsel to contract for fees greater than that allowed by the court for representing a business whose reputation, trade, business or profession has been injured by acts of another.

Patron - Reynolds

PSB1234 False reports to law-enforcement officials; penalty. Increases from a Class 2 misdemeanor to a Class 1 misdemeanor the punishment for knowingly and willfully making a materially false statement or representation to a law-enforcement officer who is in the course of conducting an investigation of a crime committed by another person. This bill is identical to HB 2649.

Patron - Saslaw

PSB1278 Charitable gaming; creation of the Department of Charitable Gaming. Creates the Department of Charitable Gaming with its director appointed by the Governor. The bill eliminates the Charitable Gaming Commission and in its place creates the Charitable Gaming Board as a policy board. The Charitable Gaming Board has the power to adopt regulations relating to charitable gaming and the Department of Charitable Gaming is responsible for the administration and enforcement of the charitable gaming laws and Board regulations. The bill also provides for the Board to examine regulations, including the computation and percentage of gross receipts that are required to be used for charitable purposes by qualified organizations, and provide a report to the Governor and the 2004 Session of the General Assembly. The bill contains numerous technical amendments.

Patron - Colgan

PSB1302 DUI; restricted license. Makes retroactive a provision enacted during the 2002 General Assembly which provided 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. The bill also gives the court the authority to impose terms and condi-

tions if it issues a restricted license or requires participation in VASAP.

Patron - Reynolds

PSB1336 Resisting arrest. Provides that any person who intentionally prevents or attempts to prevent a law-enforcement officer from lawfully arresting him, with or without a warrant, is guilty of a Class 1 misdemeanor. Intentionally preventing or attempting to prevent a lawful arrest is defined as fleeing from a law-enforcement officer when (i) the officer applies physical force to the person, or (ii) the officer communicates to the person that he is under arrest and (a) the officer has the legal authority and the immediate physical ability to place the person under arrest, and (b) a reasonable person who receives such communication knows or should know that he is not free to leave. This bill is identical to HB 2826.

Patron - Rerras

Failed

FHB1379 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

FHB1392 No fee for concealed firearm permit. Provides that the following need not pay a fee for a concealed firearm permit: (i) any person on active duty in good standing in the United States armed forces, National Guard or reserves of any service component, (ii) any retiree of any service component who has served 20 years of active duty in the United States armed forces, or (iii) any person who has served 30 years or more in the National Guard or in the Reserves of any service component.

Patron - Lingamfelter

FHB1401 Incarceration for conviction of DUI. Provides that any period of incarceration imposed pursuant to a DUI conviction is to be served continuously, in one period, with no allowances for service on weekends or other noncontinuous service.

Patron - Janis

FHB1421 Duty to report childbirth. Provides that any woman who gives birth without the assistance of a health care professional after more than 24 weeks have elapsed since the beginning of her last menstrual period and who, though she is reasonably able to do so, fails to report the birth, whether a live birth or stillbirth, within 12 hours of the event, to the local sheriff, police department or fire department is guilty of a Class 1 misdemeanor.

Patron - Cosgrove

FHB1433 Reissuance of concealed handgun permit. Provides that the clerk of the circuit court shall give written notice by mail to the permit holder, at his last known address, of the expiration of his permit at least 60 days prior to expiration.

Patron - Louderback

FHB1435 Impersonating a police officer. Raises the penalty for impersonating a police officer from a Class 1 misdemeanor to a Class 6 felony.

Patron - Cosgrove

FHB1448 Issuance of concealed handgun permits. Places the responsibility for issuance of concealed handgun permits in the hands of the clerk of the circuit court; denial and revocation authority remains with the court.

Patron - Janis

FHB1494 Impersonating an officer. Provides that any person who commits a felony "crime against a person" while impersonating an officer is guilty of a Class 6 felony and that the violation is a separate and distinct offense.

Patron - Amundson

FHB1502 Personal protection; carrying concealed weapons; when lawful to carry. Eliminates the concealed weapons permit fee for members of the United States Marshals Service who have completed 20 years of service or are aged 55 or older.

Patron - Purkey

FHB1523 Identity theft. Clarifies that the identities of dead, as well as living, people are protected and that the theft of the identity of a dead person is punishable. This bill is incorporated into HB 2061.

Patron - Byron

FHB1548 Crimes; partial-birth infanticide abortion; penalty. Makes the performing of a partial-birth infanticide abortion a Class 4 felony. Defines "partial-birth infanticide" as deliberately and intentionally vaginally delivering a living infant until, in the case of a head-first presentation, the infant's entire head is outside the body of the mother, or, in the case of breech presentation, any part of the infant's trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living infant, and then performing the overt act. The bill also redefines "live birth," to include either complete or partial expulsion of the product of human conception, and states that "complete or partial expulsion or extraction" occurs when at least either the infant's entire head is outside the body of the mother or, in the case of a breech delivery, when any part of the infant's trunk past the navel is outside the body of the mother.

Patron - Marshall, R.G.

FHB1549 Where an abortion is lawful during first trimester of pregnancy. Requires that a first trimester abortion not performed in a hospital be performed in a facility no more than 15 miles from a hospital emergency room. Second and third trimester abortions must be performed in a hospital.

Patron - Marshall, R.G.

FHB1554 Crimes; death penalty. Abolishes the death penalty for all Class 1 felonies committed on or after July 1, 2003.

Patron - Hargrove

FHB1580 Abortions performed after the second trimester. Strikes the "mental health" exception as a condition for a third trimester abortion. In Virginia, third trimester abortions may only be performed in a licensed hospital after the three physicians have determined that the continuation of the pregnancy is likely to result in the death of the woman or substantially and irretrievably impair the mental or physical health of the woman.

Patron - Cole

FHB1607 Thresholds for larceny and other related crimes. Increases the threshold for larceny and other related crimes from \$200 to \$400.

Patron - Petersen

FHB1620 Concealed weapons restrictions and procedures. Provides that it is legal to carry a permitted concealed weapon while hunting regardless of the weather, that traffic misdemeanors do not prohibit one from obtaining a concealed handgun permit, that the clerk shall replace a lost or stolen permit and that the State Police shall establish a uniform size and shape for the permit.

Patron - Hogan

FHB1636 Committing, conspiring and aiding and abetting acts of terrorism; penalty. Provides that any person who contributes \$1,000 or more to any person or organization that commits, conspires to commit, or aids and abets the commission of an act of terrorism, as defined in § 18.2-46.4, is guilty of a Class 3 felony.

Patron - Weatherholtz

FHB1650 Charitable Gaming Commission; membership. Specifies that the membership of the Charitable Gaming Commission shall consist of two members of a qualified organization, one supplier, one commercial landlord whose premises are routinely utilized by qualified organizations for the conduct of charitable gaming, and three citizen members. Current law does not specify the membership of the Commission.

Patron - Albo

FHB1741 Abortion; conscience clause. Includes any physician, pharmacist, or other medical or health care professional who is asked to dispense or administer any medication for the purpose of performing or causing 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 retaliatory actions or denial of employment.

Patron - Byron

FHB1783 Modification of sentencing guidelines for methamphetamine. Provides that for any conviction involving any substance that contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers, the discretionary sentencing guidelines applicable to cocaine shall be used.

Patron - Kilgore

FHB1806 Driving motor vehicle after ingesting illegal Schedule II drugs. Makes driving after ingesting any amount of illegally possessed Schedule I and Schedule II drugs a violation of the DUI statute.

Patron - Carrico

FHB1811 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

FHB1893 Carnal knowledge of child; penalties. Provides that if any person 18 years of age or older carnally knows, without the use of force, a child 15 years of age or older but less than 18 years of age, such person is guilty of a Class 6 felony. Currently the penalty is a Class 1 misdemeanor.

Patron - Stump

FHB1908 Importation, sale, possession or transfer of weapons that fire certain rounds; penalty. Provides that any person who imports, sells, possesses, or transfers a firearm that fires the U.S. Army .50 caliber Browning Machine Gun round, the Russian/Chinese Army 12.7 mm round or the Russian/Chinese Army 14.5 mm round is guilty of a Class 6 felony.

Patron - Almand

FHB1999 Sexual crimes. Eliminates in the rape, forcible sodomy and object sexual penetration statutes the different standard that defines the offense if the victim and perpetrator are married to each other. This includes removing from the forcible sodomy and object sexual penetration statutes the provision that such crimes cannot be committed against a spouse unless the spouses were living separate and apart or there was bodily injury caused by force or violence, as the 2002 General Assembly did in the rape statute (often called the marital rape exemption). Because of the equalization of the elements of the offense in the rape, forcible sodomy and object sexual penetration the marital sexual assault statute is repealed. The provisions for deferred disposition are eliminated but the sentence may be suspended in whole or in part if there is a bench trial, all parties agree and the defendant participates in counseling.

Patron - Bell

FHB2006 Assault and battery against a family or household member. Provides that if an assault against a family or household member is committed in the immediate presence of, or is witnessed by, the person's or the victim's minor child or stepchild or a minor child residing within the household of the person or victim, the sentence shall include a mandatory, minimum sentence of 10 days in jail.

Patron - Bell

FHB2007 Crimes; assault and battery against a family or household member. Eliminates the requirement that a third or subsequent offense must occur within 10 years of a conviction of a similar offense for such third or subsequent offense to be a felony.

Patron - Bell

FHB2017 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

FHB2019 Deferral and dismissal; penalty. Provides in those sections allowing deferral and dismissal of drug offenses, underage alcohol possession, assault and battery against a family member, and certain property crimes, that deferral and dismissal will only be considered by the court if the defendant has no prior convictions of any kind, has not been previously allowed deferral and dismissal under that specific section and has the consent of the Commonwealth to defer and dismiss and that, if the defendant violates the conditions extant during the deferral period, the court shall, rather than may, find the defendant guilty. The bill also limits deferral and

dismissal to those types of crimes, explicitly removing any "inherent power of the court" to defer and dismiss.

Patron - Bell

FHB2024 Sentencing guideline midpoints; violent felony. Makes any felony violation of the DUI law a "violent felony offense" used to determine sentencing guideline midpoints.

Patron - Bell

FHB2027 Possession of firearm by persons subject to protective orders; penalty. Prohibits, and punishes as a Class 1 misdemeanor, possession of a firearm by a person subject to a protective order. Currently, such a person is prohibited from transporting or purchasing a firearm or carrying a concealed handgun.

Patron - Petersen

FHB2033 Pointing, holding, or brandishing firearm or object similar in appearance; penalty. Provides that if a brandishing violation occurs in a facility open to the public during a meeting of any local, state or federal governing body or commission or committee thereof, the perpetrator is guilty of a Class 6 felony.

Patron - Scott

FHB2049 Blood samples taken from DUI accuseds. Eliminates the second sample available to the accused for analysis by an independent laboratory.

Patron - Woodrum

FHB2087 Charitable Gaming Commission; winner-take-all games. Prohibits the separate selling of "winner-take-all" bingo games.

Patron - Abbitt

FHB2108 Concealed handgun permits. Provides that a valid concealed handgun permit or license issued by another state shall be valid in the Commonwealth, provided the permit holder is not a resident of Virginia and, if the permit does not include a photograph of the holder, he carries a current state or federal government-issued photo identification. Also requires that the Attorney General enter into reciprocal agreements with the states that require it for recognition of the validity of Virginia concealed handgun permits. The bill removes the requirement that the out-of-state permit holders meet Virginia requirements for issuance.

Patron - Black

FHB2114 Concealed Weapons Permits; retired Virginia Marine Police officers. Adds retired members of the Law Enforcement Division of the Virginia Marine Resources Commission to those individuals who may be authorized to carry a concealed weapon via a letter from the law-enforcement chief of the last agency that employed them. Under current law, retired state police, sheriff's deputies, and Department of Alcohol Beverage Control Special Agents are so authorized.

Patron - Barlow

FHB2130 Validity of out-of-state concealed handgun permits. Provides that a valid concealed handgun or concealed weapon permit or license issued by another state authorizes the holder who is at least 21 years of age to carry only a concealed handgun in Virginia. Currently, a concealed weapon permit issued by another state but valid in Virginia would conceivably allow the holder to carry any kind of concealed weapon allowed by that state.

Patron - Nutter

FHB2190 Crimes; production and possession of sexually explicit material involving children. Increases from a Class 5 to a Class 4 felony the inducing of a child to be the subject of sexually explicit material, or the production, filming or distribution of sexually explicit material involving children. The bill also increases the penalty for first-time conviction of possession of such material from a Class 1 misdemeanor to a Class 6 felony, and the penalty for a second or subsequent conviction of such offense from a Class 6 felony to a Class 5 felony.

Patron - Saxman

FHB2214 Virginia Charitable Gaming Commission; fair market rental value; minimum percentage to charity; waiver. Allows the rent paid by an organization for the rental of a bingo hall to be used as a lawful part of an organization's gross receipts. The bill also provides for a waiver of the Commission-determined percentage of gross receipts going to the charitable purposes for which the organization was specifically organized or chartered, and sets out how and when a waiver may be granted by the Commission.

Patron - Suit

FHB2227 Assault on retired law-enforcement officers; penalty. Makes it a felony to assault or cause bodily injury to a retired law-enforcement officer, where the assault or action causing injury is related to that officer's past performance of his duties.

Patron - Cline

FHB2235 Delivery of weapons to prisoners. Provides that any person who willfully in any manner delivers or attempts to deliver or conspires to deliver to any prisoner weapons of any nature capable of causing death or injury including knives, instruments, tools, or other things not authorized by the prison official, superintendent or sheriff is guilty of a Class 3 felony. Currently the statute only applies to firearms and ammunition or explosives.

Patron - Pollard

FHB2241 Crimes against children. Raises penalties for "consensual sex acts" with a minor over the age of 13 to a Class 3 felony, regardless of who the perpetrator is. Defines "parent" for the purposes of incest to include foster and adoptive parents, stepparents and step-grandparents.

Patron - Watts

FHB2252 Possession of alcoholic beverage in motor vehicle; penalty. Punishes possession of an "open container" with a \$25 fine and punishes the same offense, if within five years of a suspension of license for a DUI conviction with a three-year license revocation.

Patron - Watts

FHB2265 Punishment for drunk driving. Makes the following changes to the law surrounding drunk driving: allows an officer to arrest for a DUI not committed in his presence; removes the requirement that a third DUI occur within a 10-year period for imposition of a felony charge or that a fourth DUI occur within a 10-year period for imposition of a mandatory, minimum year in jail; imposes a minimum, mandatory 30 days in jail for a third DUI within five years; imposes minimum, mandatory periods of incarceration for those driving drunk with a passenger in the vehicle; makes minimum, mandatory sentences for DUI run consecutively when more than one applies; reduces blood alcohol content levels required for minimum, mandatory sentences; and creates a minimum, man-

datory sentence of five days when a drunk driver causes an accident resulting in personal injury.

Patron - Bell

FHB2281 Using a firearm in the commission of a simple assault or assault and battery; penalty. Provides that using a firearm in the commission of a simple assault or assault and battery is a Class 6 felony.

Patron - Hurt

FHB2308 State cigarette tax; possession of excessive amount of cigarettes. Provides that a natural person shall not have in his possession more than 100 cartons of cigarettes at any time. Violators shall be guilty of a Class 2 misdemeanor and the cigarettes shall be subject to confiscation.

Patron - Alexander

FHB2327 Gang crimes; penalty. Adds grand larceny (particularly for auto theft) and receipt of stolen vehicles to the list of predicate crimes tending to show a "pattern of criminal gang activity" under the crimes by gangs statutes.

Patron - Bland

FHB2331 Weight loss centers and clinics. Provides that a weight loss center or weight loss clinic may not use "dietician" or "nutritionist" in its name or advertisements unless it employs at least one full-time licensed, certified, or registered dietician or nutritionist. The considerable interest in the health risks of overweight and obesity has raised concerns about the claims of certain weight loss centers and clinics, the effectiveness of weight loss and weight control products and services, and the potential public health risks when persons lacking education, training, and competence in the nutritional sciences, dietetics or human nutrition, food and nutrition, or public health nutrition are responsible for the nutritional and dietary components of weight loss and weight control plans.

Patron - Bland

FHB2410 Definition of mental incapacity and physical helplessness; penalty. Provides that a person shall be deemed to have accomplished a sex act against the will of the complaining witness and through the use of the mental incapacity and physical helplessness of the complaining witness if he has, prior to the act complained of, administered a drug or controlled substance to the complaining witness without the consent or knowledge of the complaining witness and the drug had the effect of impairing the judgment, self-control, actions or consciousness of the complaining witness.

Patron - Marrs

FHB2460 Mentally disabled victims; penalty. Removes, for the purposes of charging a defendant with aggravated sexual battery against a mentally disabled person, the requirement that the mentally disabled person must also be a person of a young age, threatened with a dangerous weapon, or caused physical or mental harm. The bill also allows for testimony in a criminal trial to be given by mentally disabled victims in the same fashion as child victims and witnesses.

Patron - Johnson

FHB2513 Crimes; partial birth abortion; penalty. Makes it a Class 4 felony to deliberately and intentionally perform a partial birth abortion or a dilation and extraction abortion, unless such a procedure is necessary in the physician's appropriate medical judgment for the preservation of the life or health of the pregnant woman.

Patron - McDonnell

FHB2530 Hate crimes; penalty. Adds 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 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 hate crimes reporting requirements of the State Police.

Patron - Almand

FHB2534 Oral threats to school employees. Makes it a Class 1 misdemeanor to orally threaten an employee of any elementary, middle or secondary school, while on a school bus, on school property or at a school-sponsored activity, to kill or to do bodily injury to another employee. This means that the person who is the object of the threat does not have to actually receive the threat; however, the threat must be such that it would place the person who is the object of the threat in reasonable apprehension of death or bodily harm.

Patron - Byron

FHB2551 Concealing or compounding offenses; penalty. 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

FHB2585 Felonies and misdemeanors; penalties. Increases the penalty for a Class 1 misdemeanor to a maximum of 24 months in jail (current maximum 12 months) and a maximum \$5,000 fine (current maximum \$2,500). The same changes are made to the punishments for Class 5 and 6 felonies under which the court is allowed to find a defendant guilty of a felony, but punish as a misdemeanor.

Patron - Armstrong

FHB2598 Disobeying a lane direction control signal; involuntary manslaughter; penalty. Punishes the intentional running of a red light as a Class 1 misdemeanor and punishes the intentional running of a red light causing the death of another person as a Class 5 felony.

Patron - McDonnell

FHB2622 Sexual crimes. Amends the forcible sodomy and object sexual penetration statutes by removing the provision that such crimes cannot be committed against a spouse unless the spouses were living separate and apart or there was bodily injury caused by force or violence. This bill is similar to a change made by the 2002 General Assembly, which removed the same exemption from the rape statute (often called the marital rape exemption).

Patron - Marrs

FHB2623 Felony violation of protective order; penalty. Provides that any person convicted of a third or subsequent conviction of violation of a protective order committed within a 10-year period, when each such offense occurred on a different date, and where the same is alleged in the charging document, is guilty of a Class 6 felony.

Patron - Marrs

FHB2657 Death penalty; moratorium on executions. Provides that the Commonwealth shall not conduct executions of prisoners sentenced to death. All other matters of law relating to the death penalty, such as bringing and trying capital charges, sentencing proceedings, appeals and habeas review are not affected by the bill.

Patron - Darner

FHB2692 Injury to child in utero; penalty. Punishes as a Class 2 felony willful, deliberate and intentional conduct that is unlawful and causes death or permanent serious bodily injury to a child in utero. If the conduct is willful and deliberate but not intentional, it is punished as a Class 4 felony.

Patron - Bell

FHB2777 Receiving stolen goods. Provides that whenever proof of a criminal offense requires proof that any property in the possession of a person was known by that person to be embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated, it may be established by proof that the defendant, after or as a result of an official representation as to the nature of the property, believed the property to be embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated.

Patron - Moran

FHB2798 Concealed handguns. Provides that any order denying issuance of a permit to carry a concealed handgun shall state the basis for the denial of the permit and the applicant's right to perfect an appeal; provides that the clerk of the circuit court shall give written notice by mail to the permit holder, at his last known address, of the expiration of his permit at least 60 days prior to expiration; places the responsibility for issuance of concealed handgun permits in the hands of the clerk of the circuit court; denial and revocation authority remains with the court; eliminates the concealed weapons permit fee for members of the United States Marshals Service who have completed 20 years of service or are aged 55 or older; provides that it is legal to carry a permitted concealed weapon while hunting regardless of the weather, that traffic misdemeanors do not prohibit one from obtaining a concealed handgun permit, that the clerk shall replace a lost or stolen permit and that the State Police shall establish a uniform size and shape for the permit; provides that a valid concealed handgun permit or license issued by another state shall be valid in the Commonwealth, provided the permit holder is not a resident of Virginia and, if the permit does not include a photograph of the holder, he carries a current state or federal government-issued photo identification. The bill also requires that the Attorney General enter into reciprocal agreements with the states that require it for recognition of the validity of Virginia concealed handgun permits and removes the requirement that the out-of-state permit holders meet Virginia requirements for issuance. The bill adds retired members of the Law Enforcement Division of the Virginia Marine Resources Commission to those individuals who may be authorized to carry a concealed weapon via a letter from the law-enforcement chief of the last agency that employed them. Under current law, retired state police, sheriff's deputies, and Department of Alcohol Beverage Control Special Agents are so authorized. The bill also provides that a valid concealed handgun or concealed weapon permit or license issued by another state authorizes the holder who is at least 21 years of age to carry only a concealed handgun in Virginia. Currently, a concealed weapon permit issued by another state but valid in Virginia would conceivably allow the holder to carry any kind of concealed weapon allowed by that state.

Patron - Cline

FHB2811 Charitable gaming; definition of reasonable and proper business expenses. Provides that expenses incurred by associations of war veterans or auxiliary units thereof organized in the United States in support of their charter or constitution shall qualify as reasonable and proper business expenses.

Patron - Gear

FHB2824 Penalizing employee for court appearance or service on jury panel. Provides that no person who is summoned or subpoenaed to appear in any court of law on behalf of a minor or dependent shall have any adverse personnel action taken against him, nor shall he be required to use sick leave or vacation time, as a result of his absence from employment for a period beginning 12 hours prior to his required appearance and ending 12 hours following his required appearance.

Patron - Jones, D.C.

FSB698 Transfer of firearms; criminal records check. Adds a definition of "firearms show vendor" and requires that a criminal history record information check be performed on the prospective transferee before the vendor may transfer firearms at a gun show. Under current law, only licensed dealers must obtain such a check.

Patron - Marsh

FSB701 Sexual crimes. Amends the forcible sodomy and object sexual penetration statutes by removing the provision that such crimes cannot be committed against a spouse unless the spouses were living separate and apart or there was bodily injury caused by force or violence. This bill is similar to a change made by the 2002 General Assembly, which removed the same exemption from the rape statute (often called the marital rape exemption).

Patron - Howell

FSB703 Possession of weapons on school property. Specifies that possession of a BB handgun or BB rifle on school property is punishable as a Class 6 felony.

Patron - Quayle

FSB734 Felonies and misdemeanors; penalties. Increases the penalty for a Class 1 misdemeanor to a maximum of 24 months in jail (current maximum 12 months) and a maximum \$5,000 fine (current maximum \$2,500). The same changes are made to the punishments for Class 5 and 6 felonies under which the court is allowed to find a defendant guilty of a felony, but punish as a misdemeanor.

Patron - Reynolds

FSB771 Concealed handgun permits. Provides that a valid concealed handgun permit or license issued by another state shall be valid in the Commonwealth, provided the permit holder is not a resident of Virginia and, if the permit does not include a photograph of the holder, he carries a current state or federal government-issued photo identification. Also requires that the Attorney General enter into reciprocal agreements with the states that require it for recognition of the validity of Virginia concealed handgun permits. The bill removes the requirement that the out-of-state permit holders meet Virginia requirements for issuance.

Patron - Cuccinelli

FSB797 Embezzlement by public official; penalty. Provides that it is a Class 4 felony for a public official or employee to knowingly misuse, misappropriate or unlawfully dispose of any public funds that he has access to or knows of because of his position. There is a mandatory, minimum term of 1 year of incarceration in a state correctional facility with no suspension of sentence for each \$50,000 misused, misappropriated or unlawfully disposed of.

Patron - Reynolds

FSB939 Possession of firearms. Prohibits persons voluntarily admitted to a public mental health facility pursuant to § 37.1-65, or to a private mental health facility, from pur-

chasing, possessing, or transporting firearms if the person is mentally ill and in need of hospitalization and presents an imminent danger to self or others as a result of mental illness. Under current law, this prohibition only applies to persons involuntarily committed. The bill also prohibits persons subject to protective orders from possessing firearms while the order is in effect. Currently, federal law prohibits such persons from possessing a firearm, but Virginia law does not codify this prohibition.

Patron - Colgan

FSB1104 Contraception not to constitute abortion. Provides that contraception is not subject to or governed by the abortion law set forth in Title 18.2. "Contraception" is defined, for all purposes, as the use of any process, device, or method to prevent pregnancy, including steroidal, chemical, physical or barrier, natural or permanent methods for preventing the union of an ovum with the spermatozoon or the subsequent implantation of the fertilized ovum in the uterus.

Patron - Whipple

FSB1136 Disobeying a traffic light; involuntary manslaughter; penalty. Punishes the intentional running of a red light as a Class 1 misdemeanor and punishes the intentional running of a red light causing the death of another person as involuntary manslaughter.

Patron - Stolle

FSB1142 Concealed handgun permits. Transfers the authority for issuance of the permits from the circuit court to the Department of State Police. The bill also establishes a procedure for nonresidents to obtain a permit to carry a concealed handgun in Virginia.

Patron - Stolle

FSB1155 Hate crimes; penalty. Adds sexual orientation to categories of acts for which a person may seek injunctive relief or file an action for damages. The bill also adds 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

Criminal Procedure

Passed

PHB1383 Central Criminal Records Exchange; criminal nonsupport. Requires that a report of an arrest or conviction for criminal non-support be submitted to the Central Criminal Records Exchange, along with the fingerprints of the person arrested or convicted. This bill is identical to SB 707.

Patron - Cosgrove

PHB1424 Payment of medical fees in certain criminal cases. Provides that upon conviction of the defendant in any case in which medical fees were incurred in the process of gathering evidence, the court shall order that the defendant reimburse the Commonwealth. This bill is identical to SB 1209.

Patron - Byron

PHB1434 Sex Offender Registry. Requires the Department of State Police to provide the Virginia Criminal Sentencing Commission with Registry data in an electronic

format. The Commission may use the data for research, evaluative or statistical purposes only and must ensure the confidentiality and security of the data. The Commission is required to keep the data confidential and secure. Use of the information for unauthorized purposes is a Class 1 misdemeanor.

Patron - Sherwood

PHB1496 Criminal procedure; offenses committed on boundary of localities. Provides that when an offense is committed on the boundary of two cities, the arrest and prosecution may be done by either city.

Patron - Cosgrove

PHB1683 Offense against two or more statutes or ordinances; double jeopardy. Provides that a federal conviction or a finding of not guilty, rather than mere federal prosecution, bars state prosecution for an act that violates both federal and state statutes.

Patron - McDougale

PHB1787 Forfeiture of recognizance bond. Changes outdated wording to current practice. Under the existing statute a judge is required to enter the default on "the page of his docket whereon the case is docketed." In practice, dockets are maintained on the automated case management system and district courts no longer maintain hard copy dockets. The bill requires the default to be entered on "case papers." This bill was recommended by the Committee on District Courts.

Patron - Kilgore

PHB1905 Bail bondsmen. Establishes an insurance agent license for surety bail bondsmen. A person who has not obtained a surety bail bondsman license from the State Corporation Commission is prohibited from selling, soliciting or negotiating insurance on behalf of an insurance company that becomes surety on or guarantees a bond that is posted to assure performance of terms and conditions specified as a condition of bail. To qualify for such a license, an individual must (i) be licensed by the Commission as a property and casualty insurance agent; (ii) pass an examination; and (iii) submit his fingerprints and authorization for the conduct of a national criminal history record information check through the Central Criminal Records Exchange to determine whether the applicant has been convicted of a felony. The Commission will also be provided copies of each power of attorney from a fidelity and surety insurer appointing the individual to execute bonds on its behalf. The Commission shall not issue, renew or reissue a surety bail bondsman license to any individual who has been convicted of a felony unless his civil rights have been restored. The Commission is required to establish a separate database from which it may access pertinent information regarding licensed surety bail bondsmen. A surety bail bondsman license is issued for a two-year term. The Commission shall provide for the collection of fees for license issuance and renewal that are sufficient to cover the expenses of administering and operating the program. In addition, revocation or refusal to issue or renew a license is mandatory for certain enumerated causes. The Commission is required annually to furnish to the Clerk of the Supreme Court and to every clerk of circuit court a list of all licensed surety bail bondsmen and notice of any suspension or revocation of a surety bail bondsman's license or a fidelity and surety insurer's license. The measure also requires any property bail bondsman to obtain a certificate from a circuit court judge. No person shall carry on the business of a property bail bondsman without such a certificate, which is a prerequisite for a revenue license in the localities that require such licenses for property bail bondsmen. In order to obtain a certificate after October 1, 2003, a property bail bondsman must provide information regarding his identity and property, which may include an appraisal of the fair market value of real estate,

an affidavit regarding any liens thereon and his equity in the property, and fingerprints and other information in order to conduct a criminal history record information check through the Central Criminal Records Exchange. All existing certificates of property bail bondsmen will expire on October 1, 2003. This bill is a recommendation of the Virginia State Crime Commission.

Patron - Melvin

PHB1922 Writs of actual innocence. Clarifies the procedure for service upon the Attorney General and attorney for the Commonwealth and filing deadlines. The bill allows acceptance of service as verification of service, whereas the Code says that the Supreme Court may not accept the petition unless it is accompanied by a duly executed return of service verifying that a copy has been served on the Attorney General and attorney for the Commonwealth. The bill also specifies that the 30 days for the Attorney General's response begins to run upon receipt of the record by the clerk of the Supreme Court. Under current law it is not clear when the 30 days begins to run. This bill is a recommendation of the Judicial Council.

Patron - Almand

PHB1923 Death penalty; mental retardation. Establishes procedures for determining whether a defendant in a capital case is mentally retarded and may not be sentenced to death. In June the United States Supreme Court in *Atkins v. Virginia*, 536 U.S. ____ (2002) held that the execution of a mentally retarded person is cruel and unusual punishment prohibited by the Eighth Amendment. This bill defines mental retardation, sets procedures for determining whether a defendant meets the definition and provides for the appointment of expert evaluators. When mental retardation is at issue, a determination will be made by the jury (or judge in bench trials) as part of the sentencing proceeding. The defendant bears the burden of proving mental retardation by a preponderance of the evidence. The bill establishes a procedure for defendants sentenced to death prior to the effective date of the bill to raise the issue of mental retardation. The majority of this bill was drafted by a subcommittee of the Crime Commission and the bill, as introduced, was a recommendation of the Commission. This bill is identical to SB 1239.

Patron - Almand

PHB2008 Restitution to crime victims. Removes the provision that exempted DUI convictions from the requirement for restitution for property damage or loss, medical expenses of the victim and community service. The bill also allows the court to include funeral expenses as restitution.

Patron - Bell

PHB2220 Court reporters. Provides that each judge of a court of record having jurisdiction over criminal proceedings is authorized to appoint a court reporter to record felony cases and habeas corpus proceedings. Prior law provided such authorization only in felony cases.

Patron - Woodrum

PHB2232 Duties and responsibilities of local pre-trial services officers. Spells out with specificity the duties and responsibilities of local pretrial services officers.

Patron - Cline

PHB2379 Crime victim rights. Adds a child's foster parents or other custodians to the definition of "victim" in the Crime Victim and Witness Rights Act for purposes of allowing victim input for sentencing. Persons defined as victims have the right to certain notifications, to be consulted about plea agreements in felony cases, to remain in the courtroom, to sub-

mit a victim impact statement and to testify at a sentencing hearing. The bill does not affect the current law definition of victim under the Criminal Injuries Compensation Fund and would not entitle foster parents to compensation. This bill arises out of an Alexandria case where a foster mother was unable to testify at the sentencing hearing of the man convicted of killing her foster daughter. As introduced, this bill was a recommendation of the Crime Commission and is identical to SB 1162.

Patron - Moran

PHB2430 Nomenclature correction. Corrects nomenclature by changing the "Bureau" to the "Division" of Forensic Science.

Patron - Hugo

PHB2432 DNA of juvenile felons. Provides that criminal history information concerning juveniles shall be available to the Division of Forensic Science to verify its authority (based upon the felonious nature of the juvenile's criminal act) to maintain the juvenile's sample in the DNA data bank.

Patron - Hugo

PHB2461 Criminal procedure; collection of delinquent fines, costs, etc. Allows the attorney for the Commonwealth to enter into an agreement with the county or city treasurer for the collection of fines, costs, forfeitures and penalties that are delinquent more than 30 days. Currently the attorney for the Commonwealth can contract with private attorneys, private collection agencies or the local governing body for the collection of such fines, costs, forfeitures and penalties.

Patron - Johnson

PHB2500 Sealing of probation reports. Provides that investigation reports prepared by local probation officers are sealed upon final order of the court rather than upon receipt of the report by the court. The bill also provides that presentencing reports are to be sealed upon final order by the court rather than upon entry of the sentencing order.

Patron - Griffith

PHB2510 Destruction of misdemeanor arrest warrants, etc. Allows for the destruction of misdemeanor arrest warrants, summonses and capiases that were issued for a now deceased person, based on mistaken identity or as a result of any other technical or legal error.

Patron - McDonnell

PHB2514 Disposition of the unrestorably incompetent defendant. Provides that an unrestorably incompetent defendant charged with capital murder may be ordered to continue to receive treatment and competency evaluations indefinitely during his commitment. Currently, such person would have to be released after five years. This bill is identical to SB 1160.

Patron - McDonnell

PHB2541 Crime code references. Requires the use of Virginia crime code references forailable offenses on all charging documents issued by magistrates, criminal warrants, summons, criminal indictments, informations and presentments, criminal petitions, summonses and dispositional documents from criminal trials, effective October 1, 2004. The crime codes will be recorded and stored in computer systems maintained by the State Police, the Supreme Court, the Department of Corrections, the Parole Board, the Department of Criminal Justice Services, the State Compensation Board and the Department of Juvenile Justice. The bill states that the crime code will be used only to facilitate administration and

research, and will not have any legal standing related to a particular offense or offenses. The bill also clarifies that no indictment or other accusation will be invalid if the Virginia crime code references are omitted or stated incorrectly. The Virginia crime code references are maintained by the Virginia Criminal Sentencing Commission. This bill as introduced was recommended by the Virginia State Crime Commission.

Patron - McDonnell

PHB2578 Waiver of presentence reports. Allows the waiver of the presentence report requirement in criminal cases when the court, the Commonwealth and the defendant agree.

Patron - Armstrong

PHB2661 DNA samples for violent crime arrests. Clarifies that a DNA sample may be taken upon an arrest pursuant to a finding of probable cause by a grand jury as well as a magistrate; clarifies that a DNA sample is not to be destroyed upon an acquittal if there is a pending arrest that requires DNA sample retention; and requires that the sample be taken at the location designated by the arrest booking law-enforcement agency rather than the magistrate. The bill makes other technical corrections.

Patron - Janis

PSB707 Central Criminal Records Exchange; criminal nonsupport. Requires that a report of an arrest or conviction for criminal nonsupport be submitted to the Central Criminal Records Exchange, along with the fingerprints of the person arrested or convicted. This bill is identical to HB 1383.

Patron - Houck

PSB810 Grand jury records. Amends provision that requires grand jury notes, tapes and transcripts to be destroyed if there is no prosecution for perjury instituted within three years, to allow the court to delay destruction upon the request of the attorney for the Commonwealth if the grand jury was impanelled at his request.

Patron - Stolle

PSB811 Special grand jury. Expands subpoena power to include "tangible things." Records, papers and documents are already included.

Patron - Stolle

PSB817 Grand jurors. Increases the number of persons summoned to serve on a grand jury to nine from seven under current law.

Patron - Norment

PSB992 Subpoena duces tecum for financial records in criminal matter. Requires a financial institution or credit card issuer to disclose bank records or credit card information concerning a customer upon the issuance of a subpoena duces tecum. Provision is made for the financial institution or credit card issuer to move to quash or modify the subpoena duces tecum if compliance would cause an undue burden and for holding harmless the financial institution or credit card issuer or its employees for releasing such information or records pursuant to an order. The statement of facts documenting the reasons the records or information are sought will be sealed upon issuance of the subpoena duces tecum, and the use of such records or information is limited to the investigation and legitimate law-enforcement purposes. At the end of the investigation the records or information will be sealed.

Patron - Mims

PSB1002 Reports and records by Chief Medical Examiner admissible in both civil and criminal proceed-

ings. Clarifies that reports prepared or attested to by the Chief Medical Examiner or an Assistant Chief Medical Examiner, and certified reports of autopsies are admissible in both civil and criminal courts. Under current law, because § 19.2-188 is sited in the title of the Code dealing with criminal procedure, the question has been raised as to whether the word "court" includes civil courts.

Patron - Mims

PSB1003 Victims' rights. Expands the services and information that law enforcement, the attorney for the Commonwealth and the Attorney General's Office must supply to victims of crimes. Victims will receive additional and more timely information about the investigatory and posttrial process.

Patron - Mims

PSB1134 Commonwealth's right to appeal. Makes changes to reflect a 2002 amendment that allowed the Commonwealth to appeal a felony sentence that is contrary to mandatory statutory sentencing or restitution terms. Prior to the 2002 amendment the provisions addressed only pretrial appeals and amendments were needed to delineate between the procedures that apply to pretrial appeals and those that apply to a sentencing appeal.

Patron - Norment

PSB1143 Final judgments in circuit court; when modifiable and appealable. Provides that final judgments in circuit court criminal cases remain under the control of the circuit court for 90 days rather than the current 21 days. The filing deadlines for appeals and the transfer of the trial record to the Court of Appeals are proportionately increased to maintain consistency with current practice.

Patron - Stolle

PSB1160 Disposition of the unrestorably incompetent defendant. Provides that an unrestorably incompetent defendant charged with capital murder may be ordered to continue to receive treatment and competency evaluations indefinitely during his commitment. Currently, such person would have to be released after five years. This bill is identical to HB 2514.

Patron - Ticer

PSB1162 Crime victim rights. Adds a child's foster parents or other custodians to the definition of "victim" in the Crime Victim and Witness Rights Act for the purpose of offering victim input at the proceedings. Persons so defined have the right to remain in the courtroom, to submit a victim impact statement and to testify at a sentencing hearing. This bill arises out of an Alexandria case in which a foster mother was unable to testify at the sentencing hearing of the man convicted of killing her foster daughter. This bill is identical to HB 2379.

Patron - Ticer

PSB1164 Sex Offender and Crimes Against Minors Registry. Requires registration of a person who has been convicted of a third or subsequent offense 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

PSB1209 Medical fees in certain criminal cases to be taxed as costs. Requires that all medical fees involved in the gathering of evidence for all criminal cases where medical evidence is necessary to establish a crime has occurred and for cases involving abuse of children under the age of 18 be reim-

bursed to the Commonwealth by the defendant if he is convicted. This bill is identical to HB 1424.

Patron - Newman

PSB1239 Death penalty; mental retardation. Establishes procedures for determining whether a defendant in a capital case is mentally retarded and may not be sentenced to death. In June the United States Supreme Court in *Atkins v. Virginia*, 536 U.S. ____ (2002) held that the execution of a mentally retarded person is cruel and unusual punishment prohibited by the Eighth Amendment. This bill defines mental retardation, sets procedures for determining whether a defendant meets the definition and provides for the appointment of expert evaluators. When mental retardation is at issue, a determination will be made by the jury (or judge in bench trials) as part of the sentencing proceeding. The defendant bears the burden of proving mental retardation by a preponderance of the evidence. The bill establishes a procedure for defendants sentenced to death prior to the effective date of the bill to raise the issue of mental retardation. This bill is identical to HB 1923.

Patron - Norment

PSB1240 Special conservators of the peace. Makes comprehensive changes to the requirements governing appointments of special conservators of the peace. The bill also provides that the Criminal Justice Services Board may adopt training standards/requirements for special conservators of the peace; requires that, effective September 15, 2004, a person possess a valid registration issued by the Department of Criminal Justice Services before he may be appointed a special conservator of the peace; and provides that the Department of Criminal Justice Services investigate the suitability of applicants for registration, including conducting a drug and alcohol screening. Persons registered as special conservators of the peace must be covered by a cash or surety bond, or liability insurance or self-insurance. The employers of those individuals exempted from the registration requirements due to their employment, such as law-enforcement officers, must notify the circuit court within 30 days of the date the employee leaves employment and the former employee's powers as a special conservator are void. Failure to provide such notification is punishable by a fine of \$250 plus an additional \$50 per day for each day such notice is not provided. The bill limits court appointments of conservators of the peace to the judicial circuit wherein application was made, voids appointments of school security officers as special conservators of the peace prior to July 1, 2002, and voids appointments of special police officers pursuant to § 15.2-1737 as of September 15, 2004. The Private Security Services Advisory Board is expanded to include a special conservator of the peace member. This bill is a recommendation of the Virginia State Crime Commission.

Patron - Norment

PSB1338 Mental examination report. Requires that the mental examination report for persons convicted of a crime indicating a sexual abnormality be furnished to the defendant, defense counsel and the attorney for the Commonwealth five days in advance of the sentencing hearing and to the judge in advance of the sentencing hearing. Current law states that the report shall be furnished "when completed."

Patron - Rerras

Failed

FHB1384 Public defenders' offices. Requires the establishment of a public defender's office in the City of Chesapeake.

Patron - Cosgrove

FHB1412 Obtaining records of financial transactions and services by court order. Expands the options for seizing financial records in a criminal investigation to include a court order that is based on a reason to believe such records are relevant to a legitimate law-enforcement inquiry. The new section loosely tracks law already in effect for obtaining electronic communication records.

Patron - Cosgrove

FHB1466 Jury sentencing. Provides that if the jury cannot agree on a punishment after a criminal trial and if the defendant and the attorney for the Commonwealth do not agree that the court shall fix punishment, the court shall impanel a different jury solely for the purpose of determining punishment. Currently, if the jury cannot agree on a punishment and if the defendant, the attorney for the Commonwealth, and the court agree, then the court shall fix punishment. There is no sentencing option if those parties fail to agree.

Patron - Janis

FHB1555 Offense against two or more statutes or ordinances; double jeopardy. Removes the provision in the double jeopardy statute that would bar a prosecution in the Commonwealth if the offense could also be prosecuted federally. This bill is incorporated into HB 1683.

Patron - Hargrove

FHB1561 Central Criminal Records Exchange; reports by law-enforcement. Requires every state official or agency having the power to arrest, the sheriffs of counties, the police officials of cities and towns, and any other local law-enforcement officer or conservator of the peace having the power to arrest for a crime to make a report to the Central Criminal Records Exchange of any arrest, including those arrests involving the taking into custody of, or service of process upon, any person on charges resulting from an indictment, presentment or information, the arrest on capias or warrant for failure to appear, and the service of a warrant for another jurisdiction, for criminal nonsupport.

Patron - Orrock

FHB1570 Criminal procedure; public defender offices. Requires the Public Defender Commission to establish an office in any judicial circuit that does not have one.

Patron - Hamilton

FHB1571 Criminal procedure; public defender office. Requires the Public Defender Commission to establish an office in Newport News.

Patron - Hamilton

FHB1579 Sentencing proceeding by jury after conviction. Provides that, for the purposes of sentencing an individual already convicted of a crime, if the same jury cannot be assembled for sentencing, the court shall impanel a different jury to ascertain punishment, unless (as is already the case in the event a sentence is set aside) the defendant, the attorney for the Commonwealth and the court agree that the court should decide punishment.

Patron - Parrish

FHB1626 When appeal by the Commonwealth in felony actions allowed. Allows the Commonwealth to appeal a dismissal of a criminal case based on a violation of the defendant's right to a speedy trial.

Patron - Cox

FHB1768 Blood, saliva or tissue sample for DNA analysis. Adds epidermal cells to the list of those things that can be taken for a criminal DNA sample.

Patron - Nutter

FHB1859 Expungement of criminal records; unjust convictions. Requires, in all cases where the expungement of a criminal record is based on an absolute pardon for the commission of a crime for which the petitioner had been unjustly convicted or a writ of actual innocence has been issued and the petitioner has been confined to a state or local correctional facility for at least six months, that the circuit court also attach an order entitling the petitioner to (i) waiver of tuition and other mandatory fees for any public institution of higher education in the Commonwealth, (ii) lifetime authorization to enter Virginia's state parks for up to seven days per year without having to pay an admittance or parking fee, (iii) assessment and guidance services including, but not limited to, aptitude testing, mental health assessment, substance abuse counseling and job placement service, to be provided by the appropriate state agency at no cost, (iv) lifetime membership to the Virginia Museum of Fine Arts, and (v) a transition assistance grant of \$15,000, in all cases. The bill also provides that when the Governor has granted an absolute pardon for the commission of a crime for which the individual requesting the pardon has been unjustly convicted, he shall also provide to the individual unjustly convicted a letter of exoneration detailing the circumstances of the unjust conviction.

Patron - O'Bannon

FHB1912 Writ of actual innocence based on previously unknown evidence. Allows a convicted and incarcerated individual to petition the Supreme Court for a writ of actual innocence based upon any new evidence, not just DNA.

Patron - Almand

FHB2001 Home/electronic incarceration program. Restricts eligibility for the home/electronic incarceration program to those persons convicted of a misdemeanor that is not driving under the influence of alcohol/drugs or assault and battery against a family or household member. The program is currently available to persons serving time in local correctional facilities who are convicted of misdemeanors and most nonviolent felonies.

Patron - Bell

FHB2038 Disclosure of information in criminal cases. Provides that the attorney for the Commonwealth shall not disclose those records obtained in the course of a criminal prosecution that pertain to persons who are not charged with a crime associated with that prosecution. The bill provides that intentional disclosure of such records is a Class 1 misdemeanor.

Patron - Marshall, R.G.

FHB2076 Dissemination of criminal history record information; school volunteers. Provides that persons who offer volunteer assistance to county or city schools may obtain a copy of their criminal history record at no cost to the volunteer. The bill's purpose is to help schools screen their volunteer pool for sex offenders.

Patron - Gear

FHB2082 Chemical castration. Provides that on and after January 1, 2004, when a person is convicted of a felony offense of certain, specified sex crimes, the court shall order the person to submit to chemical castration (hormone chemical treatment with medroxyprogesterone acetate or its equivalent)

for the entire term of his sentence including any suspended sentence and post-release supervision.

Patron - Gear

FHB2208 Search warrants; limitation on public inspection. Provides that public inspection of a search warrant and supporting affidavit may be temporarily sealed by the appropriate court upon application of the attorney for the Commonwealth for good cause shown in an ex parte hearing. Currently, only the affidavit may be temporarily sealed.

Patron - Jones, S.C.

FHB2332 Criminal background check screening for employment. Eliminates the barrier crime that prevents those convicted of felonies from being employed in child care, adult care, education, nursing, mental health, mental retardation and substance abuse fields. The bill requires that criminal background checks be done as part of a screening for employment, but lets the hiring body make the determination whether the applicant for employment is qualified.

Patron - Bland

FHB2384 Disposition of the unrestorably incompetent defendant. Provides that an unrestorably incompetent defendant charged with capital murder may be ordered to continue to receive treatment and competency evaluations indefinitely during his commitment. Currently, such person would have to be released after five years. This bill is incorporated into HB 2514.

Patron - Moran

FHB2424 Postrelease supervision of felons. Removes apparently redundant sentences restating minimum and maximum periods of postrelease supervision applicable to those inmates not eligible for parole and returns to language similar to that which appeared in the section prior to the 2000 amendments. Currently, the judge is required to impose a term of postrelease supervision, suspend it and impose virtually the same term. This amendment clarifies that the judge would impose a term of confinement, suspend that and impose, instead, a term of postrelease supervision.

Patron - Janis

FHB2506 Orders for facial recognition technology. Creates a procedure by which a locality or a law-enforcement agency shall apply for an order from a court prior to employing facial recognition technology. Facial recognition technology means any technology or software system that identifies humans by using a biometric system to identify and analyze a person's facial characteristics and is employed for the purpose of matching a facial image captured by cameras placed in any public place, other than in a state or local correctional facility, with an image stored in a database.

Patron - Griffith

FHB2517 Final judgments in circuit court; when modifiable and appealable. Provides that final judgments in circuit court criminal cases remain under the control of the circuit court for 90 days rather than the current 21 days. The filing deadlines for appeals and the transfer of the trial record to the Court of Appeals are proportionately increased to maintain consistency with current practice.

Patron - McDonnell

FHB2575 Criminal sentencing; record of prior convictions. Creates a rebuttable presumption that the convictions listed on a report from the Virginia Criminal Information Network (VCIN) are accurate and that the defendant had counsel or waived counsel in convictions listed on the VCIN report.

Currently the Commonwealth must provide a certified copy of the conviction.

Patron - Armstrong

FHB2587 Criminal procedure; DNA analysis after arrest for violent felony. Provides that the sample of saliva or tissue taken for DNA (deoxyribonucleic acid) analysis from every person arrested for a violent felony be taken as soon as practicable as opposed to the current requirement that it be taken prior to release from custody.

Patron - Armstrong

FHB2588 Procedures for taking saliva or tissue sample for DNA analysis. Changes responsibility for assigning the place where DNA samples are to be taken from arrestees (arrested for violent felonies), from the magistrate to the law-enforcement agency that books the arrestee.

Patron - Armstrong

FHB2684 Victims of Drunk Driving Fund. Establishes a Victims of Drunk Driving Fund as a part of the Virginia Crime Victim-Witness Fund to be funded by those convicted of drunk driving at \$125 per conviction. The Fund would be used to assist those injured in accidents resulting from a violation of drunk driving laws.

Patron - Moran

FHB2691 Arrest for drunk driving. Allows an officer to arrest for a DUI not committed in his presence.

Patron - Bell

FHB2786 Commonwealth's failure to provide discovery. Provides that the Commonwealth's willful failure to obey a court order to provide discovery to a defendant is a Class 1 misdemeanor. The bill also expands discovery available to a defendant, consistent with the federal rules.

Patron - Griffith

FHB2787 Writ of actual innocence based on previously unknown evidence. Allows a convicted and incarcerated individual to petition the Supreme Court for a writ of actual innocence based upon any new evidence, not just DNA.

Patron - Griffith

FHB2791 Protective orders authorized in cases of stalking and acts of violence. Includes in the provisions that allow for the issuance of protective orders following incidents of stalking, provisions that allow for the issuance of protective orders following incidents of assault, or violent acts resulting in injury to a person or to property.

Patron - McDougale

FSB705 Writ of actual innocence based on previously unknown evidence. Allows a convicted and incarcerated individual to petition the Supreme Court for a writ of actual innocence based upon any new nontestimonial evidence, not just DNA.

Patron - Marsh

FSB733 Criminal sentencing; record of prior convictions. Creates a rebuttable presumption that the convictions listed on a report from the Virginia Criminal Information Network (VCIN) are accurate and that the defendant had counsel or waived counsel in convictions listed on the VCIN report. Currently the Commonwealth must provide a certified copy of the conviction.

Patron - Reynolds

FSB894 Deferral and dismissal; community-based corrections program. Expands the section allowing a misde-

meanor charge to be discharged and dismissed if the defendant fulfills the terms and conditions of his probation even though the facts justify a finding of guilt. The bill allows discharge and dismissal for any misdemeanor (except DUI) whereas current law includes certain property crimes only. The bill also allows a judge to order successful completion of a community-based corrections program as a term or condition of probation for discharge and dismissal. Under current law a person must be convicted before being sentenced to a community-based corrections program.

Patron - Watkins

FSB1005 Juvenile fingerprints. 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

FSB1031 Sentencing proceeding by jury after conviction. Provides that, for the purposes of sentencing an individual already convicted of a crime, if the same jury cannot be assembled for sentencing, the court shall impanel a different jury to ascertain punishment, unless (as is already the case in the event a sentence is set aside) the defendant, the attorney for the Commonwealth and the court agree that the court should decide punishment.

Patron - Colgan

FSB1062 Criminal history record information; restrictions on access. Provides that a person's criminal history record information may not be released if he was convicted of a misdemeanor or a nonviolent felony, excluding certain drug offenses, and it has been three years since he completed his conviction-related obligations or five years if it is a violent felony or a drug-related offense. The prohibition on release is suspended for seven or 10 years if there is a subsequent conviction and there is an exception for law-enforcement and high-level security positions. This bill would apply to criminal history record information for employment, professional licensing, qualification as foster and adoptive parents, voluntary work with children, etc.

Patron - Maxwell

FSB1065 Expungement of criminal records. Requires a circuit court to expunge an individual's existing arrest record, upon petition to the court, for acquittals, nolle prosequis, dismissals or pardons if the court finds that the arrest that the petitioner seeks to expunge resulted in any such disposition. Currently, it may do so only if expungement would avoid manifest injustice to the petitioner. The bill also provides that at the conclusion of any hearing upon a dismissal, acquittal or nolle prosequi that the court shall, upon motion by the defendant, grant a motion for expungement. Such expungement is currently limited to a dismissal pursuant to mistaken identity only.

Patron - Maxwell

FSB1141 Death penalty; mental retardation. Establishes procedures for determining whether a defendant in a capital case is mentally retarded and may not be sentenced to death. In June the United States Supreme Court in *Atkins v. Virginia*, 536 U.S. ____ (2002) held that the execution of a mentally retarded person is cruel and unusual punishment prohibited by the Eighth Amendment. This bill defines mental retardation, sets procedures for determining whether a defendant meets the definition and provides for the appointment of

expert evaluators. When mental retardation is at issue, a determination will be made by the jury (or judge in bench trials) as part of the sentencing proceeding. The defendant bears the burden of proving mental retardation by a preponderance of the evidence. The bill establishes a procedure for defendants sentenced to death prior to the effective date of the bill to raise the issue of mental retardation. This bill was drafted by a subcommittee of the Crime Commission and is a recommendation of the Commission. This bill is incorporated into SB 1239.

Patron - Stolle

FSB1241 Death penalty; mental retardation. Establishes procedures for determining whether a defendant in a capital case is mentally retarded and may not be sentenced to death. In June the United States Supreme Court in *Atkins v. Virginia*, 536 U.S. ____ (2002) held that the execution of a mentally retarded person is cruel and unusual punishment prohibited by the Eighth Amendment. This bill defines mental retardation, sets procedures for determining whether a defendant meets the definition and provides for the appointment of expert evaluators. When mental retardation is at issue, a determination may be made pretrial by the judge or by the jury as part of the sentencing proceeding. The defendant bears the burden of proving mental retardation by a preponderance of the evidence. The bill establishes a procedure for defendants sentenced to death prior to the effective date of the bill to raise the issue of mental retardation. This bill is incorporated into SB 1239.

Patron - Edwards

FSB1281 Appointment of court reporters. Authorizes a judge of a court of record to appoint a court reporter in misdemeanor cases. Currently, the Code authorizes appointment only in felony cases.

Patron - Edwards

Domestic Relations

Passed

PHB2303 Marital agreements. Provides that marital agreements for the purpose of settling the rights and obligations of the spouses need not be in writing and are considered signed by the parties if the terms of the agreement are (i) contained in a court order endorsed by counsel or the parties or (ii) recorded and transcribed by a court reporter and affirmed personally by the parties on the record. This bill addresses *Flanary v. Milton*, 263 Va. 20 (2002), which held that an oral agreement recited into the record by the parties' attorneys during a deposition was not valid because it was not in writing and signed by the parties as required by § 20-149. This bill is identical to SB 866.

Patron - Devolites

PHB2386 Child support; enforceability of agreements on future modifications. Provides that the court may affirm, ratify and incorporate by reference in its divorce, annulment and support decrees an agreement between the parties as to modification of child support. Any such provisions shall not require a further court decree for their enforcement, but are subject to the revision and alteration provisions of § 20-108.

Patron - Moran

PHB2545 Child custody evaluations. States that a district or circuit court may order an independent mental health or psychological evaluation in any case in which custody or

visitation of minor children is at issue. The court may order payment by the parties as it deems appropriate.

Patron - McDonnell

PSB839 Divorce decrees. Makes it clear that certain language regarding child support does not have to be in a divorce decree when the parties have no minor children whom they have a mutual duty to support and specifies what language has to be included in such circumstances.

Patron - Quayle

PSB866 Marital agreements. Provides that marital agreements for the purpose of settling the rights and obligations of the spouses need not be in writing and are considered signed by the parties if the terms of the agreement are (i) contained in a court order endorsed by counsel or the parties or (ii) recorded and transcribed by a court reporter and affirmed personally by the parties on the record. This bill addresses *Flanary v. Milton*, 263 Va. 20 (2002), which held that an oral agreement recited into the record by the parties' attorneys during a deposition was not valid because it was not in writing and signed by the parties as required by § 20-149. This bill is identical to HB 2303.

Patron - Puller

PSB1280 Persons who may perform marriage rites. Provides that federal judges who reside in Virginia may perform marriages without an order of authorization and without giving bond.

Patron - Edwards

PSB1288 In camera interviews in child custody or visitation hearings. Provides that in a child custody or visitation proceeding in a court of record, where the court conducts an in camera interview of a minor child without the presence of the parties or their counsel, the court shall prepare a record of the interview that shall be made a part of the record in the case, unless the parties otherwise agree. The cost of creating the record shall be taxed as costs to the parties.

Patron - Cuccinelli

Failed

FHB1455 Medicaid-reimbursed health care costs. Clarifies that the court shall not order a party to pay any health care costs that are reimbursed by Medicaid.

Patron - Byron

FHB1688 Court-ordered custody and visitation arrangements. Provides that if the custodial parent is an active member of the military, the court shall, in deciding on changes in custody or visitation decrees, give consideration to a Family Care Plan developed in accordance with federal regulations.

Patron - McQuigg

FHB2028 Covenant marriage. Authorizes a form of marriage in which the parties must, before marrying, obtain premarital counseling and recite and sign a declaration of intent to enter into a covenant marriage. All divorce grounds remain the same. Persons who are already married may redesignate their marriage as a covenant marriage after they obtain marital counseling and execute a declaration of intent.

Patron - Petersen

FHB2120 Substitution of terms regarding custody and visitation. Provides that throughout the Code of Virginia and in any Acts of Assembly, the following substitutions shall be made: "Associate parent" shall be substituted for the old term "noncustodial parent." "Decision making authority" shall

be substituted for the old term "legal custody." "Managing parent" shall be substituted for the old term "custodial parent." "Parenting arrangements" shall be substituted for the old term "custody." "Parenting time" shall be substituted for the old term "visitation." "Physical care, control, and maintenance" shall be substituted for the old term "physical custody." "Shared parenting arrangement" shall be substituted for the old term "joint custody." "Shared parenting responsibility" shall be substituted for the old term "joint physical custody." "Sole parenting authority" shall be substituted for the old term "joint legal custody." "Sole parenting responsibility and authority" shall be substituted for the old term "sole custody."

Patron - Reid

FHB2127 Minor children and custody. Establishes a preference for granting each parent as much physical custody as circumstances permit and as found to be in the best interests of the child, but does not affect the court's ability to award joint or sole custody.

Patron - Reid

FHB2158 Child support; payment of child-care expenses require the noncustodial parent to pay as part of child support a proportional share of the child-care costs necessitated by the custodial parent's matriculation at high school, college, or a vocational school.

Patron - Phillips

FHB2191 Child support guidelines. Provides that contributions by the payor parent into a college tuition savings plan specifically designated for that purpose are a factor that may be considered in establishing a child support amount that varies from the guidelines.

Patron - Saxman

FHB2261 Child support. Makes comprehensive changes to the child support guideline, including (i) amending the schedule of monthly child support obligations; (ii) detailing the economic assumptions and factors upon which the guideline and schedule are based; (iii) providing that gross income excludes secondary employment income that the payor parent earned in a good faith effort to pay off arrearages in support for the children at issue; (iv) establishing protections to ensure that obligations of support will not reduce a noncustodial parent's income to below 150 percent of the poverty line; and (v) requiring parents to pay in proportion to their income any uninsured medical and dental costs in excess of \$250 annually in addition to other child support. This bill reflects the recommendations of the Secretary of Health and Human Resources Child Support Guideline Review Panel. The provisions are not retroactive and do not constitute the basis for a material change in circumstances upon which a modification of child support may be based.

Patron - Watts

FHB2262 Child support. Clarifies and expands (adding income from a second job or overtime) the components of income that may be considered in rebutting the presumptions established by the guideline; describes issues the court should consider in imputing income; expands the types of health care services that may be considered as "extraordinary medical and dental expenses;" and establishes thresholds for calculating the amount of child-care costs incurred due to employment that should be added to the basic support obligation. This bill reflects the recommendations of the Secretary of Health and Human Resources Child Support Guideline Review Panel. The provisions are not retroactive and do not constitute the basis for a material change in circumstances upon which a modification of child support may be based.

Patron - Watts

FHB2263 Child support. Makes comprehensive changes to the child support guideline, including (i) amending the schedule of monthly child support obligations; (ii) clarifying and expanding (adding income from a second job or overtime) the components of income that may be considered in rebutting the presumptions established by the guidelines; (iii) detailing the economic assumptions and factors upon which the guideline and schedule are based; (iv) providing that gross income excludes secondary employment income that the payor parent earned in a good faith effort to pay off arrearages in support for the children at issue; (v) establishing protections to ensure that obligations of support will not reduce a noncustodial parent's income to below 150 percent of the poverty line; (vi) requiring parents to pay in proportion to their income any uninsured medical and dental costs in excess of \$250 annually in addition to other child support; and (vii) establishing thresholds for calculating the amount of child-care costs incurred due to employment that should be added to the basic support obligation. This bill reflects the recommendations of the Secretary of Health and Human Resources Child Support Guideline Review Panel. The provisions are not retroactive and do not constitute the basis for a material change in circumstances upon which a modification of child support may be based.

Patron - Watts

FHB2387 Child support; written agreement. Provides that any written agreement, stipulation or consent decree addressing child support and maintenance rebuts the presumption that application of the guidelines will result in the correct amount of child support, unless the court finds provisions of the agreement, stipulation or consent decree unjust or inappropriate. Under current law, a written agreement between the parties is one of 18 factors that may be used to support the court's finding that the guidelines should not be applied; it is not a sole basis for rebuttal of the presumption. The bill also deletes the references in § 20-108.1 to spousal support; the section as revised deals solely with child support. This bill is incorporated into HB 2386.

Patron - Moran

FHB2388 Child support guidelines; agreement of the parties. Authorizes use of a written agreement, stipulation, or consent decree containing provisions for child support and maintenance to rebut the presumption that application of the guidelines results in an accurate calculation of child support, so long as neither party opposes the written agreement, stipulation or consent decree. This bill is incorporated into HB 2386.

Patron - Moran

FHB2724 Child custody and visitation; nature of order. Provides that when a court adjudicates the custody or visitation of minor children, it shall determine whether the adjudication is to be temporary or final, based on the nature of the circumstances surrounding the hearing, whether the parties have had sufficient time to prepare for trial, and any transience in the parties' situation. Temporary orders have no presumptive effect in final determinations of custody and visitation and are not considered a final adjudication for purposes of appeal. A final order shall have presumptive effective, and shall be a final adjudication for purposes of appeal. The bill is intended to clarify (i) that courts may make either a temporary or a final (albeit subject to a modification upon a showing of a material change in circumstances) adjudication of child custody and visitation and (ii) the status of the case vis-a-vis applications for appeal to the Court of Appeals.

Patron - Watts

FHB2733 Support for juveniles in custody. Provides that when a juvenile placed in the custody of the Depart-

ment of Juvenile Justice or a court either comes from an intact family or has never been the subject of a child custody order relative to divorce, the court shall retain all functions relative to payment of support for the child rather than delegating those to the Division of Child Support Enforcement.

Patron - Darner

FHB2793 Covenant marriage. Authorizes a form of marriage in which the parties must, before marrying, obtain premarital counseling and recite and sign a declaration of intent acknowledging that marriage is a lifelong relationship and pledging to obtain marital counseling should difficulties arise. Furthermore, in a covenant marriage, the time of separation necessary for parties to obtain a no-fault divorce is extended to two years for parents with minor children and extended to one year and six months for parties with no minor children. All other divorce grounds remain the same. Persons who are already married may redesignate their marriage as a covenant marriage after they obtain marital counseling and execute a declaration of intent.

Patron - McDonnell

FHB2817 Child support guidelines. Makes comprehensive changes to the child support guidelines, including (i) directing that a child support arrearage, standing alone, is not sufficient to block modifications to a support order; (ii) providing that "current circumstances" can support rebuttal of the guidelines; (iii) detailing the economic assumptions and factors upon which the guidelines and schedule are based; (iv) clarifying and expanding (adding income from a second job or overtime) the components of income that may be considered in rebutting the presumptions established by the guidelines; (v) establishing protections to ensure that obligations of support will not reduce a noncustodial parent's income to below 150 percent of the poverty line; (vi) defining "basic child support" as the "customary and ordinary expenses deemed necessary to sustain the child's life"; (vii) providing that gross income excludes secondary employment income that the payor parent earned in a good faith effort to pay off arrearages in support for the children at issue; (viii) eliminating the addition of extraordinary medical and dental costs from child support and instead requiring parents to pay in proportion to their income any uninsured medical and dental costs in excess of \$100 annually in addition to other child support; and (ix) establishing thresholds for calculating the amount of child-care costs incurred due to employment that should be added to the basic support obligation. This bill reflects recommendations of the Secretary of Health and Human Resources Child Support Guideline Review Panel.

Patron - Bolvin

FSB1118 Felony for nonsupport; penalty. Provides that if a person has, without good cause shown, failed to pay court-ordered child support resulting in an arrearage of six months or more, he is guilty of a Class 6 felony.

Patron - Lucas

FSB1192 Child support guidelines. Modifies the calculation of child support in shared custody to distinguish between variable and fixed costs, and to determine variable costs based on the percentage of time a parent has custody of the child. The purpose of the bill is to modify the current computations, which in certain situations set the custodial parent's support share at a higher level for shared custody of 105 days or fewer than for sole custody. The Code now addresses this discrepancy by permitting such calculations to be discarded in favor of the sole custody support amounts.

Patron - Wagner

FSB1312 Child support. Makes comprehensive changes to the child support guideline, including (i) amending the schedule of monthly child support obligations; (ii) clarifying and expanding (adding income from a second job or overtime) the components of income that may be considered in rebutting the presumptions established by the guidelines; (iii) detailing the economic assumptions and factors upon which the guideline and schedule are based; (iv) providing that gross income excludes secondary employment income that the payor parent earned in a good faith effort to pay off arrearages in support for the children at issue; (v) establishing protections to ensure that obligations of support will not reduce a noncustodial parent's income to below 150 percent of the poverty line; (vi) requiring parents to pay in proportion to their income any uninsured medical and dental costs in excess of \$250 annually in addition to other child support; and (vii) establishing thresholds for calculating the amount of child-care costs incurred due to employment that should be added to the basic support obligation. This bill reflects the recommendations of the Secretary of Health and Human Resources Child Support Guideline Review Panel. The provisions are not retroactive and do not constitute the basis for a material change in circumstances upon which a modification of child support may be based.

Patron - Quayle

FSB1313 Child support. Makes comprehensive changes to the child support guideline, including (i) amending the schedule of monthly child support obligations; (ii) detailing the economic assumptions and factors upon which the guideline and schedule are based; (iii) providing that gross income excludes secondary employment income that the payor parent earned in a good faith effort to pay off arrearages in support for the children at issue; (iv) establishing protections to ensure that obligations of support will not reduce a noncustodial parent's income to below 150 percent of the poverty line; and (v) requiring parents to pay in proportion to their income any uninsured medical and dental costs in excess of \$250 annually in addition to other child support. This bill reflects the recommendations of the Secretary of Health and Human Resources Child Support Guideline Review Panel. The provisions are not retroactive and do not constitute the basis for a material change in circumstances upon which a modification of child support may be based.

Patron - Quayle

FSB1314 Child support. Clarifies and expands (adding income from a second job or overtime) the components of income that may be considered in rebutting the presumptions established by the guideline; describes issues the court should consider in imputing income; expands the types of health care services that may be considered as "extraordinary medical and dental expenses;" and establishes thresholds for calculating the amount of child-care costs incurred due to employment that should be added to the basic support obligation. This bill reflects the recommendations of the Secretary of Health and Human Resources Child Support Guideline Review Panel. The provisions are not retroactive and do not constitute the basis for a material change in circumstances upon which a modification of child support may be based.

Patron - Quayle

FSB1339 Child custody or visitation and best interests of the child. Modifies several of the factors to be considered by a judge in determining the best interests of the child for purposes of determining custody or visitation arrangements. Additionally, the bill provides that the judge, as part of a final order, shall provide a written statement summarizing his findings regarding the factors considered.

Patron - Cuccinelli

Education

Passed

PHB1404 School board salaries; Southampton County. Corrects the school board salary statute by reinserting the Southampton County school board salary cap, which was inadvertently eliminated from statute by HB 1141 in 2002. In addition, the salary cap is increased from \$2,400 to \$5,000. Pursuant to HB 1141, only appointed school boards must seek General Assembly action for an increase in their respective salary caps. The 2002 Session adopted legislation providing that any elected school board may pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in Article 1.1 (§ 15.2-1414.1 et seq.) of Chapter 14 of Title 15.2 or as provided by charter. The specific salary limits that are currently provided for most school boards in Virginia were eliminated for elected school boards; however, for appointed school boards the specific salary limits were to be retained. Title 15.2 sets specific salary caps for city councils and boards of supervisors by population brackets; town councils may set their own salary levels.

Patron - Councill

PHB1464 General achievement diploma. Directs the Board of Education, by September 1, 2003, to develop, by regulation, requirements for the award of the general achievement diploma to students (i) passing the GED examination; (ii) successfully completing an education and training program designated by the Board; and (iii) satisfying other requirements the Board may establish. A second enactment authorizes emergency regulations.

Patron - Carrico

PHB1493 Standards of Quality; appropriate learning environment. Amends Standard 1 of the Standards of Quality to express the belief of the General Assembly and the Board of Education that the quality of public education is dependent upon an appropriate learning environment designed to promote student achievement. Standard 1 currently acknowledges the need for quality instruction as supported by appropriate benefits and compensation and the adequate commitment of other resources.

Patron - Amundson

PHB1498 Character education; Virginia Statement of Values. Modifies the current character education requirement to include instruction in Virginia's civic values--the principles articulated in Article I of the Virginia Constitution (Bill of Rights) and the ideals reflected in the Seal of the Commonwealth.

Patron - Lingamfelter

PHB1503 High school diplomas; civics education seal. Directs the Board of Education, by July 1, 2003, to establish criteria for awarding a diploma seal for excellence in civics education and understanding of the state and federal constitutions and the democratic model of government for the standard and advanced studies diplomas. The Board must consider criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities; and (iii) related requirements as it deems appropriate.

Patron - Landes

PHB1518 School board policies; equal access. Prohibits local school boards providing access and opportunity to use school facilities or to distribute literature from denying equal access or fair opportunity to use such school facilities or to distribute literature, or from otherwise discriminating against the Boy Scouts of America or the Girl Scouts of the USA. Nothing in the measure is to be construed to require any school or school division to sponsor the Boy Scouts of America or the Girl Scouts of the USA or to exempt any such group from school board policies governing access to and use of school facilities and distribution of literature.

Patron - Black

PHB1716 Student social security numbers. Authorizes the division superintendent or his designee to assign another identifying number to students who are ineligible to obtain a federal social security number or if the student's parent is unwilling to present such number or waive the requirement. Currently, a student enrolled in the public schools must provide a federal social security number within 90 days of his enrollment. The U.S. Supreme Court ruled in *Plyler v. Doe*, 457 U. S. 202 (1982), that the withholding of state funds for the education of undocumented children or denying such children enrollment in the public schools violates the Equal Protection Clause of the Fourteenth Amendment. This decision affords undocumented students the right to attend public schools and participate in all school activities. School officials may not require children or their parents to prove that they are in the country legally through evidence such as green cards, citizenship papers or social security numbers. Pursuant to § 22.1-260, the division superintendent or his designee may waive the social security number requirement. However, in practice, the division superintendent or his designee is allowed, pursuant to guidance from the Department of Education, to assign another number for identification purposes to students who are ineligible to obtain a federal social security number. This bill authorizes that practice.

Patron - Hogan

PHB1757 Remediation for certain students. Requires school boards to provide programs of prevention, intervention, and remediation for students failing an end-of-course test required for the award of a verified unit of credit needed by the student for graduation, however, these students are not required to participate in such programs. School divisions are to add these students to their existing remediation report requirements. Currently, required remediation targets students who are "educationally at risk including, but not limited to, those whose scores are in the bottom national quartile on Virginia State Assessment Program Tests and those who fail to achieve a passing score on any Standards of Learning assessment in grades three, five, and eight."

Patron - Amundson

PHB1790 Timelines for decisions and appeals of teacher grievances. Clarifies that a school board has 10 business days to (i) initiate another hearing after receipt of a fact-finding panel's decision; (ii) determine grievability after the following of a grievance; and (iii) transmit a notice of appeal of its decision on grievability to the clerk of the relevant court. The bill also clarifies that the teacher has 10 business days after the school board makes its decision on grievability to file an appeal with the court and 10 business days to request a hearing before the school board after receiving the findings of fact and recommendations of a fact-finding panel. In addition, this provision clarifies that the court must sit to hear an appeal of grievability within 10 business days from receipt of the appeal. Currently, the relevant laws are silent as to whether "ten days" means 10 calendar days or 10 business days. Because school

boards do not meet every week, 10 business days will provide some relief in the turnaround time of the school board's decisions and the teacher's determination to appeal, and the court will have 10 business days in which to hear an appeal of grievability.

Patron - Tata

PHB1834 Scoliosis screening for public school students. Directs each school board to provide parent educational information or, within the time periods specified in Board of Education regulations, to implement a program of regular screening for scoliosis for pupils in grades 5 through 10, unless such students are pupils admitted for the first time to a public school and have been tested as part of the required comprehensive physical examination, or the parents of such students have indicated their preference that their children not participate in such screening. Local school boards are to develop procedures for parents to indicate their desire to "opt out." The Board of Education is to promulgate regulations for the implementation of the screening program, which shall address, but shall not be limited to, requirements and training for school personnel and volunteers who may conduct such screenings; procedures for the notification of parents when evidence of scoliosis is detected; and such other provisions as the Board deems necessary. Local divisions may seek volunteers from among health care professionals.

Patron - Reese

PHB1896 School board employees; compensation schedule. Requires school boards receiving a waiver from the Board of Education and setting the school calendar so that the first day students are required to attend occurs before August 15 to establish a compensation schedule ensuring that all contract personnel are compensated for time worked within the first month of employment. This bill is identical to SB 717.

Patron - Stump

PHB1907 Student expulsions; possession of air rifle or BB gun. Modifies the "Gun-Free Schools" statute to add possession of an air rifle or BB gun on school property or a school-sponsored activity to those firearms-related offenses for which school boards are to expel students for one calendar year, unless the school board determines that "special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate." The current weapons, firearms, and destructive device definitions in the Gun-Free Schools and criminal statutes do not clearly address air rifles or BB guns. Under current law, students are to be expelled (unless "special circumstances" exist) for possession of "firearms," defined in the Gun-Free Schools statute as "any destructive device," and those weapons that may "expel a projectile by the action of an explosive," those weapons prohibited on school property or at school-sponsored activities in § 18.2-308.1. Section 18.2-308.1, in turn, cross-references and incorporates the definition of "weapons" listed in § 18.2-308 A, which includes various knives as well as "any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material." The measure does not alter the definition of "firearm" in the criminal statutes or within the Gun-Free Schools provision.

Patron - Almand

PHB2091 Drug testing in public schools. Requires the Board of Education to include policies addressing voluntary and mandatory drug testing, in accordance with the most recent enunciation of constitutional principles by the Supreme Court of the United States of America, in its guidelines for student conduct policies and student searches. The bill states that its provisions must not be construed to require any school board to adopt policies requiring drug testing; however, school

boards may require drug testing in accordance with the Board's guidelines. Most recently, the U. S. Supreme Court upheld, in Board of Education of Independent School District No. 92 of Pottawatomie County, Oklahoma et al. v. Earls et al., random drug testing of public school students as a condition of participation in competitive extracurricular activities. A previous decision allowed for testing of athletes involved in competitive sports. The Board's standards for school board policies on alcohol and drugs and search and seizure must include guidance for procedures relating to voluntary and mandatory drug testing in schools, including, but not limited to, which groups may be tested, use of test results, confidentiality of test information, privacy considerations, consent to the testing, need to know, and release of the test results to the appropriate school authority. To avoid the costs of printing and mailing, the Board of Education must issue the revisions to its guidelines and model student conduct policies relating to school board policies on alcohol and drugs and search and seizure and for student searches in electronic format only. The revisions may be transmitted to the division superintendents and the public via any electronic media, including by posting the revisions to the Department of Education's website.

Patron - Joannou

PHB2124 Governor's Schools; selection of fiscal agent. Allows two or more school boards operating an academic-year Governor's School to select the fiscal agent for the school from among the treasurers of the participating localities by agreement and with the approval of the respective local governing bodies. Current law provides that the treasurer of the locality in which a joint school (a school operated by two or more school divisions) will serve as fiscal agent for the joint schools. The Governor's Schools program was first established in 1973 by Governor Linwood Holton. Supported by legislative appropriation, the initiative includes summer residential schools, summer regional schools, and 16 academic-year schools (three of which are full-day programs) and is administered by the Department of Education Programs for the Gifted cooperatively with local school divisions, colleges, and universities. The academic-year Governor's Schools are operated as joint schools, and provide special studies in sciences, mathematics, technology, and the arts for high school students. The remainder of the student's instruction may be provided by the student's home school or by the Governor's School. These programs receive funding from the Department of Education and participating school divisions. Additional contributions to Governor's Schools are made by local school divisions, institutions of higher education, foundations, and communities.

Patron - Reid

PHB2140 Posting of Bill of Rights in public schools. Amends the two uncodified Acts of Assembly requiring the posting of the National Motto in public schools to add the required posting of the Bill of Rights of the Constitution of the United States. Currently, school boards, at their discretion, may accept contributions in cash or in-kind from any person to defray the costs of implementing this provision.

Patron - Brink

PHB2151 School funding; reporting of required local expenditure. Codifies and broadens existing budget language to direct the Department of Education to collect annually necessary data to make calculations at the beginning and end of each school year to ensure that each school division has appropriated sufficient funds to support its estimated required local expenditure for providing an educational program meeting the prescribed Standards of Quality (SOQ). The end-of-year calculations shall be designed to verify whether the locality has provided the required expenditure, based on average daily membership as of March 31 of the relevant school year. The

Department is to report annually to the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health the results of such calculations and the degree to which each school division has met, failed to meet, or surpassed its required expenditure. Similarly, the Joint Legislative Audit and Review Commission (JLARC) is to report annually to these committees the state expenditure provided each locality for an educational program meeting the SOQ. The Department and JLARC are to coordinate to ensure that their respective reports are based upon comparable data and are delivered together, or as closely following one another as practicable, to the appropriate standing committees. The calculations will assist the Board of Education and the Attorney General in the implementation of their existing enforcement authority, set forth in the amended section and in Standard 8 (§ 22.1-253.13:8) of the SOQ. The measure is based on 2002 Appropriation Act language (§ 1-54, Item 147 B7, B7e) and Recommendation 8 of the 2002 JLARC Review of Elementary and Secondary School Funding.

Patron - Rust

PHB2254 Notification of reduction in force for teachers. Removes a July 1, 2003, sunset provision to continue the current requirement that all school boards, within two weeks of approval of the school budget by the local governing body, but no later than June 1, notify those teachers who may be subject to a reduction in force due to a decrease in the school board's budget as approved by the appropriating body. The section and corresponding amendments from the 2002 Session that would have replaced the expiring provision on July 1, 2003, are stricken; that section would have directed the school boards of Arlington, Fairfax, Falls Church, and Prince William (identified by form of government or by population) to notify by May 15 those teachers who may be subject to a reduction in force. An emergency clause makes the bill effective upon its final passage.

Patron - Watts

PHB2428 Blue Ridge Regional Education and Training Council. Abolishes the Blue Ridge Regional Education and Training Council. The Council was established in 1992 to provide leadership and coordination for education and business partnership programs and excellence in education in the Blue Ridge region. Funding for the Council and staff have been eliminated. The primary purposes of the Council can be carried out by local workforce investment boards and other entities. This bill is identical to legislation recommended by the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill has a delayed effective date of July 1, 2004.

Patron - Hugo

PHB2437 School board salaries. Allows county school boards whose membership is elected or appointed for staggered terms to establish a salary increase prior to July 1 of any year in which at least 40 percent of its members are to be elected or appointed. Current law permits this to occur in a year in which 50 percent of such members are to be elected or appointed. In addition, a technical amendment clarifies that the salary procedures for Arlington County School Board must comply with the provisions of § 15.2-702.1 relating to salaries and expenses for board members under the county manager plan form of government. Arlington County is the only jurisdiction having the county manager plan form of government.

Patron - Dillard

PHB2442 Students with limited English proficiency; Standards of Quality. Amends the Standards of Qual-

ity to require school boards to identify students with limited English proficiency and enroll these students in appropriate instructional programs and to require state funding, pursuant to the appropriation act, for 10 full-time equivalent instructional positions for each 1,000 students identified as having limited English. The state share for this staffing requirement is currently funded at \$8,822,504 and \$10,428,613 in the first and second year of the 2002-2004 biennial budget, respectively (§ 1-54, Item 145 F). The Standards of Accreditation (8 VAC 20-131-70) state that "[i]nstruction shall be designed to accommodate all students, including those with disabilities, those identified as gifted/talented, and those who have limited English proficiency." This bill incorporates HB 2636.

Patron - Dillard

PHB2621 School safety audits. Directs local school boards to require schools to conduct school safety audits annually, requires the audits to include specific recommendations, and provides that the results of such school safety audits shall be made public within 90 days of completion. However, the local school board retains authority to withhold or limit the release of any security plans and specific vulnerability assessment components, which are provided a qualified exemption from the Freedom of Information Act. The exemption from the FOI will not be construed to prohibit the disclosure of records relating to the effectiveness of security plans after a fire, explosion, natural disaster or other catastrophic event, or after any person has been injured or threatened with personal injury. Current law defines the school safety audit as a written assessment of the safety conditions in each public school that identifies and develops solutions for various physical and personal safety and security concerns.

Patron - Sherwood

PHB2680 Reports of certain acts by school authorities. Clarifies and revises the requirements for principals' reports to local law enforcement of incidents occurring on school buses, school property or at school-sponsored activities by (i) restructuring the clusters of incidents to separate assault and assault and battery without bodily injury from the more serious incidents involving assault and battery with bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding and (ii) eliminating the mandate that principals report all incidents involving assault and assault and battery to local law enforcement. The principal must still notify the parents of the students involved and the division superintendent and still has the discretion to report assaults and assaults and batteries without bodily injury to local law enforcement.

Patron - Black

PHB2757 Data on convictions; school personnel. Clarifies and reinforces that, as a condition of employment for all of its public school employees, whether full-time or part-time, permanent, or temporary, every school board must require on its application for employment that the applicant certify whether he has been convicted of a crime of moral turpitude. The Virginia Supreme Court has stated that "[m]isdeemeanor crimes of moral turpitude are limited to those crimes involving lying, cheating and stealing, including making a false statement and petit larceny." (Newton v. Commonwealth, 29 Va. App. 433 at 448, 512 S.E.2d 846 at 853(1999)). Current law requires that school board employment applications include certifications that the applicant has not been convicted of a felony, a crime of moral turpitude, or any offense involving the sexual molestation, physical or sexual abuse or rape of a child.

Patron - Rust

PHB2806 Four-day school week. Provides that local school boards may approve, pursuant to guidelines developed

by the Board of Education, school-proposed alternative school schedule plans, including those providing for the operation of schools on a four-day weekly calendar, so long as a minimum of 990 hours of instructional time is provided for grades 1 through 12 and 540 hours for kindergarten. No alternative plan that reduces the instructional time in the core academics shall be approved. The Standards of Accreditation (SOA) (8 VAC 20-131-150) set the standard school year at 180 days, with the standard school day for students in grades 1 through 12 to "average at least 5-1/2 hours, excluding breaks for meals, and a minimum of three hours for kindergarten." The SOA permit school divisions to develop alternative schedules for meeting these requirements as long as a minimum of 990 hours of instructional time is provided for grades 1 through 12 and 540 hours for kindergarten. Such alternative plans must be approved by the local school board and by the Board of Education under guidelines established by it.

Patron - Saxman

PHJ608 Educational leader training. Requests the Board of Education and the State Council of Higher Education for Virginia to ensure that the performance and leadership standards described in the Board's Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents are reflected in preparation and training programs for principals and superintendents in institutions of higher education. This measure is a recommendation of the HJR 20/SJR 58 Commission to Review, Study, and Reform Educational Leadership.

Patron - Hamilton

PHJ613 Regret over 1959 school closures. Describes the events in Prince Edward County of the 1950s following the Supreme Court decision in Brown v. Board of Education declaring segregated systems of public education to be "inherently unequal" and expresses the General Assembly's profound regret over the 1959-1964 closing of the public schools in Prince Edward County, Virginia. This resolution notes the 50th anniversary in 2004 of the Brown v. Board of Education decision and urges the people of Virginia to celebrate this anniversary by becoming knowledgeable of the benefits and fairness of equality and the past history of the massive resistance movement, in the belief that a more educated, enlightened, and tolerant population will learn from history and will reject absolutely any such discriminatory practices in the future.

Patron - Baskerville

PHJ642 Recognizing the efficacy and potential cost-savings of contracting for independent educational performance assessment services. Recognizes the efficacy and potential cost savings that contracting for independent educational performance assessment services can provide decision makers. Such services can provide decision makers comparable and contextual academic, financial, and demographic data to make consistent and clear information available for instructional and resource decisions and for ensuring accountability. This resolution notes the new data requirements of No Child Left Behind and that the development and implementation of new software to collect and analyze this new data could be costly and require months of work. Thus, the use of an existing, effective, and quality educational data system may save, in the long run, money and time.

Patron - Byron

PSB710 Standards of Quality; quality instruction. Amends Standard 1 of the Standards of Quality to express the belief of the General Assembly and the Board of Education that the quality of public education is dependent upon quality instruction that enables each student to become a productive and educated citizen of Virginia and of the United States. Stan-

dard 1 currently acknowledges the need for quality instruction as supported by appropriate benefits and compensation. The measure also reiterates the legislature's duty to fund public education as set forth in the Virginia Constitution.

Patron - Puller

PSB717 School board employees; compensation schedule. Requires school boards receiving a waiver from the Board of Education and setting the school calendar so that the first day students are required to attend occurs before August 15 to establish a compensation schedule ensuring that all contract personnel are compensated for time worked within the first month of employment. This bill is identical to HB 1896.

Patron - Wampler

PSB756 School superintendent contracts. Requires that whenever a division superintendent's contract is being renegotiated, all members of the school board must be notified at least 30 days in advance of any meeting at which a vote is planned on the renegotiated contract unless the members agree unanimously to take the vote without the 30 days notice. Each member's vote on the renegotiated contract must be recorded in the minutes of the meeting. The local governing body, as the entity responsible for appropriating school board funds, must ultimately approve the local school board budget, pursuant to § 22.1-92.

Patron - O'Brien

PSB779 Student assessments. Provides that, for any grade level or course for which a Standards of Learning (SOL) assessment or other criterion- or norm-referenced assessment is administered, there shall be no required administration of the Stanford Achievement Test Series, Ninth Edition (Stanford 9) assessment, except as may be selected to facilitate compliance with the requirements for home instruction. The Standards of Quality (§ 22.1-253.13:3) currently direct the Board of Education to "(i) develop appropriate assessments, which may include criterion-referenced tests and alternative assessment instruments which may be used by classroom teachers and (ii) prescribe and provide measures, which may include nationally normed tests, to be designated as the Virginia State Assessment Program, which shall be used to identify students who score in the bottom quartile at selected grade levels." The Board adopted the Stanford 9 in 1996 as the norm-referenced test--one which compares the performance of Virginia students to that of students across the nation to be administered in mathematics, reading, and language at grades 4, 6, and 9. The National Assessment of Educational Progress (NAEP) is administered to samples of students from grades 4, 8, and 12 for periodic testing in reading, mathematics, science, writing, history and other fields. In 1998, NAEP covered reading, writing, and civics in grades 4, 8, and 12. In 2000, NAEP covered mathematics and science for grades 4 and 8 and reading in grade 4 only. Virginia has been participating in NAEP since 1990. Beginning in 2005-2006, the federal No Child Left Behind act will require annual testing in grades 3-8. The Commonwealth's SOL tests are administered in 3, 5, and 8 at the end of certain high school courses, but will be administered in grades 3, 4, 5, 6, 7, and 8 in mathematics and reading by the beginning of 2005-2006.

Patron - Blevins

PSB804 Virginia Advisory Council for Adult Education and Literacy. Abolishes the Virginia Advisory Council for Adult Education and Literacy. The Council recommends an integrated and coordinated multiagency approach for the delivery of quality adult education and literacy programs, services, and philosophies. The executive director position to the Council has been eliminated as a state position and the Council has met infrequently in recent years. The Board of Education has

established the Subcommittee on Adult Education and Literacy which can fulfill the mission of the Council and have a greater local impact. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

Patron - Martin

PSB987 School buses; display of American flag decals. Allows local school boards, notwithstanding any regulation to the contrary, to display decals depicting the flag of the United States on the sides and rear of school buses as long as any such decal does not obstruct the name of the school division or the number of the school bus and is no larger than 100 square inches. Current Board regulations (8 VAC 20-70-210) prohibit "use of posters, stickers, or advertising material of any kind" on school buses and provide for lettering for the identification of buses (8 VAC 20-70-1050).

Patron - Mims

PSB1099 Joint schools. Allows two or more school boards, with the consent of the State Board, to establish joint or regional high schools, including regional public charter schools, to offer, in addition to a comprehensive high school curriculum, specialized training to students desiring to pursue careers in law enforcement, fire fighting, emergency and rescue services, and other occupations addressing public safety and welfare. These schools may be designed to incorporate the instructional services of retired or disabled emergency, fire, rescue, and law-enforcement personnel and internships with local agencies and organizations providing such emergency, fire, rescue, and law-enforcement services.

Patron - Edwards

PSJ305 Ratios of students with disabilities to general student population. Requests the Department of Education to collect information regarding ratios of students with individualized education plans in Virginia school divisions to the general student population. Such information shall include a summary of current federal and state law and regulation governing requirements and standards for the issuance of such plans and the identification and classification of students with disabilities.

Patron - O'Brien

PSJ316 Coordinating the Brown v. Board of Education 50th Anniversary Celebration. Directs the Dr. Martin Luther King, Jr. Memorial Commission to coordinate and plan the statewide commemoration of the 50th Anniversary of the Brown v. Board of Education decision in the Commonwealth. The Commission shall (i) inventory the Commonwealth regarding planned commemorative events, (ii) confer and collaborate with the Brown v. Board of Education 50th Anniversary Commission, the Robert Russa Moton Museum, the Brown Foundation, the Secretary of Education, the Superintendent of Public Education, the State Council of Higher Education, the Virginia Community College System, the Office of the Attorney General, the judicial system, local school boards, institutions of higher education, local governments, legal and civil rights organizations, relevant federal agencies, the religious community, and other interested parties to plan, coordinate, and implement appropriate year-long activities and events leading to and following May 17, 2004, (iii) issue a calendar of events that includes all known national and statewide programs, activities, and events commemorating the 50th Anniversary of Brown v. Board of Education, and (iv) notify and seek the cooperation of all relevant parties regarding the provisions of this resolution. The Commission must submit its executive summary and progress report no later than the first day of the

2004 Regular Session of the General Assembly. Also, the executive summary and report must be posted on the General Assembly's website.

Patron - Marsh

PSJ318 Communication, collaboration, and cooperation among the public and higher education systems and the General Assembly. Requests the Secretary of Education to facilitate communication, collaboration, and cooperation among the public and higher education systems, and the Virginia General Assembly to establish a K-20 continuum. The Secretary of Education is also requested to apprise the Commission on Access and Diversity in Higher Education regarding progress toward accomplishing initiatives that promote the K-20 continuum, dialogue with citizens and the business community to strengthen support for public and higher education, and efforts to ensure better articulation and alignment of curricula between public and higher education. The Secretary must recommend to the Commission by November 30, 2003, any changes to existing state laws that may be necessary to assist public and higher education agencies in accomplishing their individual missions and the objectives of this resolution. This resolution, which was a part of the legislative initiatives of the Commission on Access and Diversity in Higher Education during the 2002 Session of the General Assembly, was favorably considered by the Commission this year.

Patron - Marsh

Failed

FHB1376 Board of Education; nonvoting student representative. Directs the Governor to appoint a nonvoting student representative to the Board of Education from among students enrolled in Virginia public schools. The student representative would serve in a nonvoting, advisory capacity for a term of one year and shall be eligible for reappointment. The student representative shall not be construed to be a Board member for any purpose, including, but limited to, establishing a quorum or making any official decision. The Board may exclude the nonvoting student representative from executive sessions or closed meetings pursuant to § 2.2-3711 of the Freedom of Information Act.

Patron - Landes

FHB1378 Local school boards; nonvoting student representatives. Requires school boards to adopt procedures for the appointment of one or more nonvoting student representatives to local school boards from among the students enrolled in the public schools in the division. A student representative will serve in a nonvoting, advisory capacity and will be appointed under such circumstances and serve for such terms as the board prescribes. The school board may exclude nonvoting student representatives from executive sessions or closed meetings pursuant to the Virginia Freedom of Information Act. Student representatives must not be construed to be members of local school boards for any purpose, including, but not limited to, establishing a quorum or making any official decision. Under current law, this practice is permissive. Boards of visitors of Virginia public institutions of higher education are also authorized to appoint nonvoting student representatives (§ 23-9.2:5).

Patron - Landes

FHB1460 Independent analysis of school performance. Directs the Board of Education, to supplement and enhance the accreditation process, to contract with a person, organization, or corporation with expertise in school evaluation for the purpose of conducting an annual independent analysis and evaluation of school performance for each public school

division in the Commonwealth. The contract for services shall provide for, among other things, (i) the use of performance variables that shall include various academic, financial, and demographic indicators; (ii) comparative benchmarks among school divisions; (iii) annual reporting to each school division of its performance and areas requiring improvement; (iv) identification of performance trends over time and best practices; and (v) recommendations for technical assistance, remediation, intervention, and other measures to improve school performance.

Patron - Purkey

FHB1482 Standards of Accreditation; multiple criteria. Directs the Board of Education, in establishing the Standards of Accreditation for elementary, middle, and high schools, to incorporate the use of multiple criteria in determining the accreditation status of schools. The criteria for the accreditation of all schools shall include results of the Standards of Learning (SOL) assessments, excluding the scores of students pursuing alternative education; improvement in SOL assessment scores; and student attendance rates. The criteria for accrediting all schools shall also provide for the awarding of additional credit to be counted toward attaining a particular accreditation status for (i) a disparity in the aggregated SOL assessment scores of majority and minority students of 10 points or fewer that results from increased assessment scores of all students and (ii) the percentage of teachers who are assigned to positions for which they have an endorsement. The Board shall assign a weight to each criterion to obtain a numerical rating for determining accreditation status; however, in no event shall the results of any SOL assessments account for more than three-quarters of a school's rating for accreditation purposes. In addition, the accreditation standards for high schools shall include, but not be limited to, school drop-out rates, with data distinguishing verified transfers and students participating in a GED program and the percentage of students who do not receive a diploma but either (a) pass an examination in a career and technical education field that confers certification from a recognized industry, or trade or professional association, or (b) acquire a professional license in a career and technical education field from the Commonwealth of Virginia. Additional criteria for the accreditation of middle schools shall include, but not be limited to, school drop-out rates, with data distinguishing verified transfers. Additional criteria for the accreditation of elementary schools shall include, but not be limited to, the number of students who have been retained for more than one year in grades 2 through 5. The criteria for accrediting elementary schools shall also include, as an additional credit that might be counted toward attaining a particular accreditation status, the percentage of students achieving above the fiftieth percentile on the Stanford 9 assessment. At the request of the relevant school board, alternative education schools and full-day programs designed to increase educational opportunities for at-risk students shall be evaluated pursuant to standards appropriate to such school or program and approved by the Board of Education. Each school's performance on the various criteria and any awards of additional credit shall be included in the School Performance Report Card required by the Standards of Accreditation.

Patron - Darner

FHB1495 Education; funding for the state Standards of Quality. Provides that notwithstanding any other provision of law, the Commonwealth shall fund at least 55 percent of the total actual costs of public education. The Standards of Quality and the formulas used by the Commonwealth to distribute funds to localities to meet the Standards of Quality shall be reviewed and revised biennially to meet such requirement. Beginning with the budget for fiscal year 2005, the Governor

shall include in his budget recommendations adequate funds to meet the requirements of this bill.

Patron - Amundson

FHB1497 Standards of Learning assessments. Provides that the results of any Standards of Learning (SOL) assessments cannot be considered in the promotion or retention of students, the awarding of diplomas, or in the accreditation of schools until the validity, reliability, and fairness of such assessments have been certified to the Board of Education by an independent assessment expert following appropriate field testing. In no case can the SOL assessment results constitute the primary basis for student promotion or retention. The current Standards of Accreditation (SOA) provide that results of SOL assessments in grades K-8 are a "part of a set of multiple criteria for determining the promotion or retention of students." The regulations are silent as to promotion and retention policies for grades 9-12, in which verified units of credit (earned by passing SOL assessments and successfully completing courses) are required for a diploma. The division superintendent must "certify to the Department of Education that the division's promotion and retention policy does not exclude students from membership in a grade or participation in a course in which SOL tests are to be administered," (8 VAC 20-131-30 A, B). The SOA do not specifically make the awarding of diplomas contingent upon the passage of SOL tests; however, the accumulation of a specific number of standard and verified units of credit will be required for standard and modified diplomas, beginning with the ninth grade class of 2001. The standard unit of credit is based on the minimum 140 clock hours of instruction and "successful completion of the requirements of the course." The verified unit of credit is awarded upon passage of the relevant SOL test, or additional tests approved by the Board of Education, as well as the course (8 VAC 20-131-110 A, B). During a transition period, beginning with the ninth grade classes of 2001, 2002, and 2003 (graduating classes of 2004-2006), students must earn 22 standard units of credit in specified courses, and two verified units of credit in English and four verified units "of the student's own choosing" to obtain a Standard Diploma. For the ninth grade class of 2004 (graduating class of 2007), receipt of a Standard Diploma will be based on 22 standard units of credit in specific courses, and six verified units--two in English, one each in mathematics, science, history, and one in a course of the student's choosing (8 VAC 20-131-50 B). The SOA state that schools shall be accredited based primarily on student achievement, as evidenced by SOL test scores (8 VAC 20-131-280 C). More specifically, accreditation ratings are based on "the percentage of students passing SOL tests or approved additional tests ... or on a trailing three-year average that includes the current year scores and the scores from the two most recent years in each applicable academic area, or the current year's scores, whichever is higher" (8 VAC 20-131-280 C 3). Special purpose schools are to be evaluated "on standards appropriate to the programs offered in the school and approved by the Board . . ." (8 VAC 20-131-280 D). After a transition period ending in 2009, schools will ultimately be awarded one of four accreditation ratings: Fully Accredited, Conditionally Accredited, Accredited with Warning, and Accreditation Denied, (8 VAC 20-131-300 A). Provisional accreditation benchmarks establish passing rates for schools through 2003.

Patron - Christian

FHB1574 Parenting programs; Department of Correctional Education. Requires the Department to arrange for noncustodial parent offenders committed to the custody of the Department of Corrections to be afforded the opportunity to participate in pre- and post-release parenting programs that

include parenting-skills training, anger management, and literacy skills. This bill is identical to HB 2246.

Patron - Hamilton

FHB1606 Standards of Learning (SOL) assessments. Directs local school divisions to include in reports of student scores on the SOL assessments provided to parents the established margins of error for such assessments, score ranges, and explanations of such data.

Patron - Petersen

FHB1611 Administration of assessments for certain nonpublic school students. Requires students who are enrolled in any nonpublic school in the Commonwealth and who receive state funds supporting such enrollment, other than any state funds that may be associated with students who are enrolled as part of an individualized education plan or who participate in federal free and reduced meal programs, to participate in the Standards of Learning assessments prescribed by § 22.1-253.13:1. The Board of Education shall develop any additional procedures that may be required to facilitate the administration of such assessments.

Patron - Darner

FHB1638 Early completion of high school graduation requirements. Provides that effective July 1, 2004, each school board must establish and implement a procedure to allow a student to graduate from the public schools before the student's senior year by (i) completing the requirements for high school graduation before the student's senior year, or (ii) demonstrating exemplary performance on the Standards of Learning end-of-course tests. Such procedure must include a provision for providing a monetary award to such students, the amount to be determined by the school board. Students who complete the requirements for high school graduation before their senior year will be awarded either the standard or advanced diploma and such seals on the diploma as may be appropriate. Such students, regardless of age, will have satisfied compulsory school attendance requirements.

Patron - Marshall, R.G.

FHB1639 Overcrowding of public schools. Provides that effective July 1, 2004, each school board must establish a procedure to allow a parent to transfer a student to an educational program that complies with compulsory school attendance when the number of students attending the public school in which the student is enrolled exceeds the capacity for which the building was erected or when trailers must be used to accommodate the overflow of students and provide additional instructional space. Parents who elect to transfer a child to an approved educational program will be entitled to receive a monetary payment each year in an amount to be determined by the school board; however, the payment may not be less than \$500 and or exceed the annual cost of average daily membership that the school division allocates for such student, to the extent permissible by federal and state law, and local ordinance. If overcrowding in the school persists the next school year, and a parent elects to transfer a student to an educational program, the parent will not be eligible to receive the monetary payment for the second or subsequent years unless the student can demonstrate continuous academic progress and proficiency on the relevant Standards of Learning tests for English and mathematics, or other appropriate tests selected by the division superintendent from among a list of tests approved by the Board of Education. The Board of Education must establish guidelines to assist school divisions with the implementation of the law. The guidelines must include, but not be limited to, a model procedure for allowing parents to transfer students to an educational program that complies with compulsory school attendance when the public school is overcrowded, eligibility

for monetary payments, and a list of tests approved by the Board of Education to assess the academic progress of such students.

Patron - Marshall, R.G.

FHB1758 Virginia Public School Authority; School Construction Grant Act of 2003. Authorizes the Virginia Public School Authority to issue bonds to fund grants to local school divisions in the total amount of \$1 billion to pay the costs of school construction, school renovation, and other school infrastructure projects. The schedule for the issuance of the bonds and the payment of the debt service on them shall be as provided in the general appropriation act. One-half of the grants (\$500 million) shall be distributed to each school division in an equal amount of \$3,676,471. The remaining one-half shall be distributed to each local school division on a set per pupil amount based on each school division's actual September 30, 2002, fall membership data as a proportion of total actual September 30, 2002, fall membership data for all school divisions. In implementing this bill, the Virginia Public School Authority shall not incur more than a total of \$250 million in debt in any fiscal year.

Patron - Amundson

FHB1760 Standards of Quality; apportionment of state and local share. Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2003, to annually increase the state share by four percent of the total costs, so that, by July 1, 2008, the local share shall not exceed 60 percent and the state share shall be equal to at least 40 percent of the total costs for localities whose local share is greater than or equal to 65 percent of the total costs in any fiscal biennium.

Patron - Amundson

FHB1794 Student directory information. Prohibits school boards from releasing student directory information (name, address, date and place of birth, etc.) for use by any political group, party, committee, or organization. The federal Family Educational Rights and Privacy Act (FERPA) permits school boards to release directory information without parental consent after providing notice of this practice. Federal regulations describe this information as that which "would not generally be considered harmful or an invasion of privacy if disclosed" (34 CFR § 99.3). Federal law allows parents to refuse to allow these routine disclosures.

Patron - Jones, D.C.

FHB1795 Social studies textbooks. Directs the Board of Education, in approving textbooks for social studies, to report to local school boards those textbooks that reflect the history of minorities in the Commonwealth, consistent with the requirement that the Standards of Learning for social studies be supplemented to ensure the study of contributions to society of diverse people, as required by Standard 1 of the Standards of Quality.

Patron - Jones, D.C.

FHB1798 School boards; rules governing outside discussion of closed meetings. Provides that a school board may, by agreement of a majority of its members, adopt a rule prohibiting and providing appropriate sanctions for the disclosure by any member of information discussed in a closed meeting of the school board lawfully convened in accordance with law until such time as the subject of the closed meeting is made public by the school board.

Patron - Jones, D.C.

FHB1815 Commencement of school day in certain school divisions. Directs the school board of any county hav-

ing the urban county executive form of government (Fairfax) to set the school day schedule to ensure that the commencement of the regular school day for students in middle and high schools begins no earlier than 8:00 a.m. A second enactment clause delays the bill's effective date until July 1, 2004.

Patron - Scott

FHB1837 School board employees; standard classifications. Directs the Board of Education to develop standard school board employee position descriptions, categories, and classifications for use by all school divisions in the Commonwealth. School boards are to use such descriptions, categories, and classifications in making any reports to the Board or other state agencies required by state law or regulation.

Patron - Reese

FHB1839 Division superintendent contracts. Requires local school boards to provide public notice of its intention to renegotiate, extend, or amend a division superintendent's contract at least 28 days prior to the date of school board action on such renegotiation, extension, or amendment. The public notice is to state the intended action.

Patron - Reese

FHB1843 Student drug testing; disclosure of test results. Provides that a school board may require a student who has been found to have been in possession of or to have used illegal substances on school property or at a school-sponsored event and for whom an evaluation for substance abuse has been required to disclose drug test results to the appropriate school administrative authority for the sole purpose of determining an appropriate school placement. Current law permits the school board to require a substance abuse evaluation for these students, and upon the recommendation of the evaluator, participation in a treatment program.

Patron - Reese

FHB2021 Elementary school teachers; planning time. Directs school boards to ensure that all elementary school teachers are provided at least one unencumbered planning period during the students' school week. The Commonwealth will bear the cost of the planning period, as provided in the appropriation act. Currently, the law directs school boards to "seek to ensure" that elementary school teachers receive at least three hours' planning time each week; the Standards of Accreditation (SOA) (8 VAC 20-131-230) provide middle school teachers with more than 25 class periods a week with one period of "unencumbered" class period daily; similarly, full-time high school teachers must receive "one class period each day, unencumbered by supervisory or teaching duties...for instructional planning." No similar requirement is stated for elementary school teachers. In addition, the SOA direct schools to report "the extent to which an unencumbered lunch is provided for all classroom teachers."

Patron - Bell

FHB2042 Virginia Educational Options Program. Provides parents of students enrolled in, attending, or assigned to public schools that have been accredited with warning in any specified academic area or areas or have had their accreditation denied for the past two consecutive years with the right to request transfers to comparable accredited public schools of their choice in the relevant school division. In those school divisions with only one school at the various educational levels, or in those instances in which the majority or all of the public schools are accredited with warning or have had accreditation denied, or the school division is unable to grant the transfer request because adequate space is not available in a comparable school of the parent's choice, the parent will have the right to request a school attendance voucher from the Board

of Education to enroll the student in an accredited public school in another school division or in a participating nonsectarian private school. The vouchers will be in the amount of \$2,000 or a sum equal to the required expenditure per pupil as set forth in the appropriation act for the relevant school division, whichever is less; however, vouchers cannot be for more than the tuition charges. The Board of Education will deduct the voucher amounts from the school division's basic aid appropriations and will promulgate regulations for the program, with the advice and consultation of the Office of the Attorney General. The legislation protects against shutout of students who reside in the various attendance zones and avoids construction of the new law to guarantee admission, attendance or full tuition payment for any student. The Auditor of Public Accounts will perform annual financial and performance evaluations, beginning in 2004.

Patron - Marshall, R.G.

FHB2043 Virginia Scholarship and Tutorial Assistance Program. Creates the Virginia Scholarship and Tutorial Assistance Program to provide state-funded scholarships directly to parents of low-income students in the Commonwealth that may be used to (i) pay the costs of tuition of eligible students in kindergarten through grade 8 attending an accredited public school in an adjacent school division or a participating nonsectarian private school in the school division where the student resides or in a school division adjacent thereto, or (ii) purchase tutorial assistance for such students who remain in the public schools, to assist the parents of these students in obtaining a high quality education. The Board must promulgate regulations for the governance and implementation of the Program, and must allocate appropriations for the Program equally so that one-half will be designated for scholarships and one-half will be designated for tutorial assistance grants. The bill also provides certain requirements for participating nonsectarian private schools.

Patron - Marshall, R.G.

FHB2098 Teacher compensation; national average. Establishes as a policy of the Commonwealth that the average salary for Virginia public school teachers equal or surpass the national average salary for public school teachers and directs the Board of Education and the General Assembly to implement this policy in prescribing and revising the Standards of Quality. The Director of Human Resource Management is to include in each biennial review of the compensation of teachers and other occupations requiring similar education and training the average salary for teachers in the Commonwealth, the national average salary for public school teachers, and the Commonwealth's national ranking for such salaries.

Patron - Plum

FHB2146 Uniform guidelines for care of students with diabetes. Directs the Board of Education, in consultation with the Department of Health, to develop guidelines for school boards for the development and implementation of individual diabetes care plans for public school students. The Board is to consider the guidelines recommended by the American Diabetes Association for the management of children with diabetes in the school and day care setting and recent resolutions by the United States Department of Education's Office of Civil Rights of investigations into complaints alleging discrimination against students with diabetes. The measure is similar to legislation adopted by the North Carolina General Assembly in August 2002. The guidelines are to include, but shall not be limited to, provisions addressing (i) procedures for the development of an individual diabetes care plan at the written request of the student's parent and the involvement of other appropriate educational and health care personnel; (ii) the regular review of individual care plans; (iii) information to be

included in an individual diabetes care plan, including the responsibilities and appropriate staff development for teachers and other school personnel, an emergency care plan, the identification of authorized actions to be taken, the extent to which the student is able to participate in his own care and management, and other information necessary for teachers and other school personnel to offer appropriate assistance; (iv) information and staff development to assist teachers and other school personnel in addressing the care of such students; and (v) such other matters as the Board deems appropriate. Local school boards shall ensure that schools in which students with diabetes are enrolled adopt practices and procedures that meet or exceed the Board's guidelines and are to provide information and professional development opportunities to assist teachers and school personnel in managing the care of such students in accordance with their individual diabetes care plans. The Board must develop the guidelines for implementation by local school boards in the 2004-2005 school year. The Board's guidelines are not to be deemed to be regulations for purposes of the Administrative Process Act (§ 2.2-4000 et seq.); however, the Board shall provide for public review and comment in the development and revision of such guidelines.

Patron - Rust

FHB2189 Teacher licensure by reciprocity. Directs the Board of Education to provide for licensure by reciprocity with comparable endorsement areas for those individuals who (i) have successfully completed an out-of-state teacher preparation program approved by the relevant state authority and offered by an accredited institution of higher education and (ii) hold a valid and full out-of-state teaching license issued by the state approving such teacher preparation program. Current law and regulation provide for licensure by reciprocity for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education (8 VAC 20-21-90). In addition, candidates seeking a Technical Professional License or the Pupil Personnel Services License are not required to take the professional teacher's assessment. Individuals who have "completed a minimum of two years of full-time, successful teaching experience in an accredited public or nonpublic school (kindergarten through grade 12) in a state other than Virginia are exempted from the assessment requirement" (8 VAC 20-21-40 B).

Patron - Saxman

FHB2243 Standards of Quality; apportionment of state and local share. Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2004, to implement a formula that determines each locality's ability to pay based on the ratios of (i) the total value of real estate in the locality adjusted by the index used for the pay differential for state employees residing in that locality to the statewide value of real estate per person; (ii) the median value of residential real estate in the locality to the statewide median value of residential real estate; (iii) sales subject to the state sales tax in the locality to the statewide sales subject to the state sales tax per person; (iv) revenue collected from the local personal property tax to the revenue collected statewide from the local personal property tax, and (v) revenue collected from local lodging, local cigarette, and local meals taxes to the revenue collected statewide from these local lodging, cigarette, and meals taxes, as provided in the appropriation act. To determine each locality's composite index of ability-to-pay, (a) the sum of the ratios calculated on the basis of average daily membership for each locality shall be divided by the sum of the average daily membership ratios for all localities; (b) the sum of the ratios calculated on a per capita basis for each locality shall be divided by

the sum of the average daily membership ratios for all localities; and (c) the locality's ratio calculated on the basis of average daily membership shall be multiplied by .66 and the locality's ratio calculated on a per capita basis shall be multiplied by .33. The sum of the two adjusted ratios in clause (c) shall be the local composite index of ability-to-pay. Tax values and population estimates used shall be those for the fiscal year ending one year prior to the fiscal year in which the distribution takes place.

Patron - Watts

FHB2246 Parenting programs; Department of Correctional Education. Requires the Department to arrange for noncustodial parent offenders committed to the custody of the Department of Corrections to be afforded the opportunity to participate in pre- and post-release parenting programs that include parenting-skills training, anger management, and literacy skills. This bill is identical to HB 1574.

Patron - Watts

FHB2348 Dual enrollment of home school students. Requires public two-year and four-year institutions of higher education to develop and implement policies that provide for the dual enrollment of students 16 years of age or older, who are home-schooled high school juniors or seniors within the Commonwealth, to allow such students to meet the requirements for high school graduation and, at the same time, earn college credits. These students must meet the academic requirements for admission of the institution, be eligible to attend as part-time or full-time students, and be subject to the same conditions and requirements imposed upon, and afforded the same privileges extended to, dual enrolled public school students. The policies must be effective by July 1, 2004.

Patron - Black

FHB2349 Standards of Quality; School Performance Report Card. Requires the Board of Education to include, in its regulation relating to the School Performance Report Card, requirements for each school to report, in addition to the Standards of Learning assessment scores and averages, each year's required test results, including nationally normed student test score averages on Virginia State Assessment Program tests, which may include the Stanford 9 test, analyzed by percentile data when available. Such reports must be made available to the public within three months of the receipt of the scores, disaggregated by gender and by race or ethnicity, and reported to the public for each school in the aggregate. These reports must also be posted separately from the Standards of Learning assessment data, on the portion of the Department of Education's website relating to the School Performance Report Card, in a standard, downloadable, importable spreadsheet format and in a manner that allows year-to-year comparisons. In addition, the reports must include, but not be limited to, the results from Virginia State Assessment Program tests, which may include the Stanford 9 and the National Assessment of Education Progress state-by-state assessment.

Patron - Hull

FHB2389 Standards of Quality; apportionment of state and local share. Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2003, in any year in which general fund revenue growth is at least three percent greater than population and inflation growth combined for the previous year, to increase the state share by three percent of the total costs, so that, by full implementation of this measure, the local share shall not exceed 65 percent and the state share shall be equal to at least 35 percent of the total costs. Such increases in the state share shall be granted to those school divisions

whose local share is greater than or equal to 65 percent of the total costs in any fiscal biennium. The per pupil costs of providing such required educational programs for school divisions whose local share as of July 1, 2002, was less than 65 percent of the total costs shall be the same as their final per pupil amount for fiscal year 2003. Until such time that no school division's local share exceeds 65 percent, no school division shall receive additional state funding for reductions in enrollment; however, funding may be adjusted to (i) ensure that the school division's final per pupil amount remains at the fiscal year 2003 level; and (ii) address inflation and the biennial recalculation of the costs of providing an educational program required to meet the Standards of Quality, as provided in the appropriation act. The measure also includes language citing "equal opportunity to a quality education in all areas of the Commonwealth" and stating that "funding formulas are the best and most equitable way for the Commonwealth to distribute the state's share of costs of educational programs."

Patron - Albo

FHB2403 School vending machines. Directs the Board of Education to develop guidelines for the use of food vending machines in public schools. The Board is to design the guidelines to promote the selection of nutritional products and to support the health and physical education curriculum. The guidelines are to address, among other things, suggested nutritional content of dispensed food and beverages, including guidelines for fat, sugar, sodium, and caffeine content, and such other matters as the Board deems appropriate.

Patron - Van Yahres

FHB2407 Student discipline; self-defense. Amends student suspension and expulsion requirements by prohibiting the imposition of disciplinary actions against any student, unless required to comply with federal Gun-Free Schools provisions, for reasonable actions taken to defend himself against an attack by another. No student who has received notice of an intended suspension or expulsion who asserts self-defense as justification for his action can be suspended or expelled until school administrators conduct a preliminary factual inquiry regarding the validity of such assertion. School boards shall adopt procedures consistent with due process requirements for the conduct of such inquiry. Such procedures may provide for expedited and summary administrative hearings, and may require the student to bear the burden of proof on all issues arising out of the assertion of self-defense.

Patron - Marrs

FHB2408 Student discipline. Amends student suspension and expulsion requirements by prohibiting the imposition of disciplinary actions against students, unless required to comply with federal Gun-Free Schools provisions, for possession of a bona fide eating utensil or personal grooming device unless such utensil or device is brandished or employed as a weapon or otherwise to effect or to threaten an act of violence or intimidation against another or against property. No student who has received notice of an intended suspension or expulsion who asserts the applicability of this section can be suspended or expelled until school administrators conduct a preliminary factual inquiry regarding the applicability of this provision. School boards shall adopt procedures consistent with due process requirements of this article for the conduct of such inquiries, which may include procedures for expedited and summary administrative hearings.

Patron - Marrs

FHB2409 Student discipline; possession and use of nonprescription medications. Amends student suspension and expulsion requirements by prohibiting the imposition of disciplinary actions against any student for possession or use of

nonprescription medications, regardless of whether school personnel have knowledge of such possession or use, if such nonprescription medication is held with the prior knowledge and consent of the student's parent. No student who has received notice of an intended suspension or expulsion who asserts parental knowledge and approval as justification for his action can be suspended or expelled until school administrators conduct a preliminary factual inquiry regarding the validity of such assertion. School boards shall adopt procedures consistent with due process requirements for the conduct of such inquiry. Such procedures may provide for expedited and summary administrative hearings, and may require the student to bear the burden of proof on all issues arising out of the parental knowledge and approval assertion. The measure is not to be construed to limit or proscribe the discretion of school boards to adopt or enforce student conduct policies prohibiting or otherwise affecting the provision of nonprescription medications by a student to any other person while on school property.

Patron - Marrs

FHB2435 Standards of Quality; apportionment of state and local share. Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2004, to annually increase the state share by five percent of the total costs, so that, by July 1, 2006, the local share shall not exceed 70 percent and the state share shall be equal to at least 30 percent of the total costs for those school divisions whose local share is greater than or equal to 70 percent of the total costs in any fiscal biennium.

Patron - Dillard

FHB2441 Standards of Learning assessments; limited English proficiency (LEP) students. Directs the Board of Education to provide, as necessary, alternative Standards of Learning assessments for students identified as having limited English proficiency (LEP). These alternative assessments must be designed to yield accurate and reliable information regarding these students' mastery of subjects other than English. The federal No Child Left Behind Act requires annual testing of all students—including LEP students—in grades 3-8 in mathematics and reading beginning in 2005-2006, with reasonable adaptations for LEP students and students with disabilities. The Act requires the testing of LEP students in school year 2002-2003 for English proficiency. The Standards of Accreditation (8 VAC 20-131-70) state that "[i]nstruction shall be designed to accommodate all students, including those with disabilities, those identified as gifted/talented, and those who have limited English proficiency." The SOA (8 VAC 20-131-30) also provide that "[p]articipation in SOL testing by students identified as limited English proficient (LEP) shall be guided by a school-based committee convened to make such determinations. In kindergarten through eighth grade, limited English proficient students may be granted a one-time exemption from SOL testing in each of the four core areas."

Patron - Dillard

FHB2478 Virginia Public School Authority; School Construction Grant Act of 2003. Authorizes the Virginia Public School Authority to issue bonds to fund grants to local school divisions in the total amount of \$1 billion to pay the costs of school construction, school renovation, and other school infrastructure projects. The schedule for the issuance of the bonds and the payment of the debt service on them shall be as provided in the general appropriation act. One-half of the grants (\$500 million) shall be distributed to each school division in an equal amount of \$3,676,471. The remaining one-half shall be distributed to each local school division on a set per pupil amount based on each school division's actual September 30, 2002, fall membership data as a proportion of total actual

September 30, 2002, fall membership data for all school divisions. In implementing this bill, the Virginia Public School Authority shall not incur more than a total of \$250 million in debt in any fiscal year.

Patron - Crittenden

FHB2495 Textbook selection. Directs the Board of Education to develop lists of approved textbooks that correlate with the Standards of Learning and for which a correlation has been established between the use of such textbooks and improved student academic achievement as measured by performance on national standardized tests. The Board is to make such lists available to local school boards for review and reference.

Patron - Bolvin

FHB2496 Instructional materials in phonics. Directs local school boards to make available to all teachers employed in grades prekindergarten through second, special education, and in English as a second language, or as reading specialists, materials to assist in the provision of instruction in systematic and explicit phonics. The Standards of Learning for English require instruction in phonics at the second-grade level (Standards of Learning, English, 2.7).

Patron - Bolvin

FHB2501 Public school foundations. Modifies the definition of "public school foundation" to provide that these nonstock, nonprofit corporations may also be established to implement, in addition to public/private partnerships supporting public school improvement projects, other projects and programs that support or supplement the mission and goals of the school board, as may be approved by the local school board. This amendment is designed to enhance the use of the voluntary tax refund contribution ("check-off") available to public school foundations pursuant to § 58.1-346.17. Using similar definitional language, the measure broadens the definition of those nonstock, nonprofit corporations that may participate in vocational education projects with school divisions to include those foundations created to implement projects and programs that support or supplement the mission and goals of the school board, including the promotion of vocational education.

Patron - Griffith

FHB2553 Virginia School for the Deaf and the Blind. Provides for the closure of the Virginia School for the Deaf, Blind, and Multi-Disabled at Hampton and the transfer of students, programs, and services to the Virginia School for the Deaf and the Blind at Staunton by the commencement of the 2003-2004 school year. The surviving school shall be renamed the Virginia School for the Deaf and the Blind. The Board of Education is to coordinate with the board of visitors of the Virginia School for the Deaf and the Blind at Staunton, the board of visitors of the Virginia School for the Deaf, Blind, and Multi-Disabled at Hampton, and the Advisory Commission on the Virginia Schools for the Deaf and the Blind to effectuate the closure of the School at Hampton and the transfer of students, programs, and services to the School at Staunton. The members of the Advisory Commission on the Virginia Schools for the Deaf and the Blind appointed and currently serving who are the parents of students who are attending or have attended the School at Hampton or who are former students of either school shall complete such term. For purposes of future appointments to the Advisory Commission for positions for students or parents of students who have attended the School, "School" shall be construed to include the School at Hampton. Currently, both schools offer services for deaf students in preK-12 and blind students in preK-12; the Staunton school provides services for preK-12 students who have "visual

and sensory disabilities and who are identified as emotionally disturbed," while the Hampton school provides services for preK-12 students with sensory-impaired multiple disabilities.

Patron - Landes

FHB2596 Annual teacher evaluations. Requires annual evaluations for all teachers, pursuant to Board of Education guidelines, and requires the dismissal of or return to a one-year probationary term of service for those teachers who have received two unsatisfactory annual evaluations in a three-year period. The Board of Education is to create guidelines for a review process whereby teachers may request a review of an unsatisfactory evaluation, including provisions addressing criteria by which the division superintendent may determine whether the evaluation is unfounded and time limitations for the various components of the review. No parties to an evaluation review shall be accompanied by legal counsel at any review proceedings. The teacher grievance procedure will not apply to the review of an unsatisfactory evaluation; however, a return to probationary status based on two unsatisfactory evaluations that have been reviewed and determined to be founded shall be grievable. Dismissals are already grievable under current law. Under current law, probationary teachers are to be evaluated annually (§ 22.1-303). The Code also directs the Board of Education to develop criteria for use by division superintendents and principals for the evaluation of instructional personnel; these criteria can be found in the Board's "Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents."

Patron - Brink

FHB2627 Standards of Quality; salaries of instructional personnel. Provides that, in determining the average statewide salary for instructional positions to be funded within the Standards of Quality, the Department of Education is to base such averages on the actual salary paid to individual positions equivalent to positions required by the Standards of Quality and the actual number of such positions. For the purposes of these statewide average salary calculations, "instructional positions" shall include elementary and secondary teachers, principals, assistant principals, instructional aides, counselors, and librarians.

Patron - Scott

FHB2633 School data. Directs the Department of Education to make available to school divisions in a format suitable for inclusion on school division websites (i) results of the annual school performance report cards required by the Standards of Accreditation; (ii) school and pupil data required to be reported pursuant to federal law and regulation for the purposes of improving school and student performance; and (iii) such other data as may be collected and released by the Department, including, but not limited to, data related to student disciplinary actions and student retentions. School divisions are to maintain such data on their respective websites. The federal No Child Left Behind Act reporting requirements addressing adequate yearly progress will already necessitate the collection of various data disaggregated on the basis of race, ethnicity, economic disadvantage, limited English proficiency, disability, gender, and migrant status. The Act also requires annual report cards for states and school divisions. The Standards of Accreditation (8 VAC 20-131-270) currently require the annual school performance report card to include, among other things: (a) SOL test scores; (b) performance of students with disabilities or LEP students on SOL tests and alternate assessments; (c) the school's accreditation rating; (d) student attendance rates; (e) school safety information; and (f) teacher qualifications. Secondary schools' report cards must include additional information such as advanced placement and

International Baccalaureate data and percentages of students in academic year Governor's schools and of drop-outs.

Patron - Darner

FHB2636 Students with limited English proficiency; Standards of Quality. Amends the Standards of Quality to require school boards to identify students with limited English proficiency and enroll these students in appropriate instructional programs and to require state funding, pursuant to the appropriation act, for 10 full-time equivalent instructional positions for each 1,000 students identified as having limited English. The state share for this staffing requirement is currently funded at \$8,822,504 and \$10,428,613 in the first and second year of the 2002-2004 biennial budget, respectively (§ 1-54, Item 145 F). This is bill incorporated into HB 2442.

Patron - Van Landingham

FHB2646 Student records in private or independent schools. Requires every private or independent school in Virginia to develop and maintain written policies and procedures for the gathering, disseminating, maintaining, and protecting the confidentiality of student records. These policies and procedures must include a definition of "student record" and procedures for access to the records and the circumstances requiring parental consent for access to or disclosure of student information. These student record policies and procedures must be made available to any parent who has a child attending the school or who has a child that has attended the school. Private or independent schools that are required to comply with the Family Educational Rights and Privacy Act (20 U.S.C. § 1232(g)) and related regulations because they accept public funds for placements of students will be deemed to be in compliance with the student record policy and procedure requirement. In the event that any private or independent school violates its student record confidentiality policy as established, the parent of the child whose records were the subject of the unauthorized disclosure shall be entitled to the return of any documents provided by the parent or child to the school. At the request of the parent, the school must destroy the original and any copies of the student record, with the following exceptions: (i) business records relating to the student's enrollment and (ii) documents relating to student achievement, such as report cards or progress reports, that are prepared in the ordinary course of instruction by school personnel. In any case in which a private or independent school violation of its student record confidentiality policy resulted from willful misconduct and such private or independent school subsequently fails to comply with the requirements for returning or destroying the documents, the parent whose student was the subject of the unauthorized disclosure shall be entitled to initiate an action in circuit court to recover damages or \$500, whichever is greater. In addition, such person may also be awarded reasonable attorney's fees and court costs.

Patron - Bell

FHB2679 Special education. Directs school divisions to provide special education to children of school age who are Virginia residents and who reside in a facility dually licensed by the Departments of Health as a nursing facility and Mental Health, Mental Retardation and Substance Abuse Services as a residential care facility as of January 1, 2003, by adding these children to the definition of "children with disabilities, residing within its jurisdiction." In addition, Board of Education regulations will identify these children who are eligible to be placed in public school programs. Finally, the measure provides that the school division may charge tuition as provided in § 22.1-5.

Patron - Sears

FHB2768 Schools and libraries; Internet filtering. Directs division superintendents of public schools, chief administrators of private schools receiving federal funds for Internet access, and library boards and local governing bodies of localities that have not established library boards, to seek to ensure, to the extent practicable, that the currently required acceptable use policies and any selected filtering technology or software do not preclude access to material that is protected by the United States and Virginia Constitutions.

Patron - Brink

FHB2801 Virginia Public School Authority; School Construction Grant Act of 2003. Authorizes the Virginia Public School Authority to issue bonds to fund grants to localities in the total amount of \$950 million to pay the costs of school construction, school renovation, and other school infrastructure projects. The schedule for the issuance of the bonds and the payment of the debt service on them shall be as provided in the general appropriation act. The \$950 million in grants shall be distributed to localities according to the following formula (i) one-half based on the proportion of sales and use tax revenue generated in each locality; and (ii) the remaining one-half based on a set per pupil amount, based on the latest actual adjusted average daily membership, and adjusted by the locality's composite index of ability to pay. In implementing this bill, the Virginia Public School Authority shall not incur more than a total of \$250 million in debt in any fiscal year.

Patron - Scott

FHB2821 Standards of Quality; Standard 3. Provides that student outcome measures of the Standards of Learning assessments and other Virginia State Assessment Program tests must be used for the purposes for which they have been designed and determined valid, reliable, and fair by the Standards of Learning Test Technical Advisory Committee, in accordance with accepted standards for educational testing. The Board of Education, in determining the validity of such tests, shall include Standards of Learning program effectiveness or consequential validity as recommended by the Standards of Learning Test Technical Advisory Committee. However, the results of Standards of Learning assessments and other Virginia State Assessment Program tests may not constitute the sole or primary basis for student promotion, retention, or the awarding or denial of diplomas or school accreditation.

Patron - Christian

FSB755 Standards of Quality; apportionment of state and local share. Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2003, in any year in which general fund revenue growth at least three percent greater than population and inflation growth combined for the previous year, to increase the state share by three percent of the total costs, so that, by full implementation of this measure, the local share shall not exceed 65 percent and the state share shall be equal to at least 35 percent of the total costs. Such increases in the state share shall be granted to those school divisions whose local share is greater than or equal to 65 percent of the total costs in any fiscal biennium. The per pupil costs of providing such required educational program for school divisions whose local share as of July 1, 2002, was less than 65 percent of the total costs shall be the same as their final per pupil amount for fiscal year 2003. Until such time that no school division's local share exceeds 65 percent, no school division shall receive additional state funding for reductions in enrollment; however, funding may be adjusted to address inflation and the biennial recalculation of the costs of providing an edu-

cational program required to meet the Standards of Quality, as provided in the appropriation act.

Patron - O'Brien

FSB829 Cultural diversity policies for local school boards and institutions of higher education. Requires the Board of Education and public schools to promote the knowledge and appreciation of diverse racial and ethnic cultures, and language minority populations, particularly such cultures and populations represented in the public schools of the Commonwealth. The Board must establish guidelines to assist local school boards in implementing cultural diversity policies and must also identify best practices within and outside of the Commonwealth. The boards of visitors of each public institution of higher education in the Commonwealth and the State Board for Community Colleges must submit equal education opportunity plans to the State Council of Higher Education, the Governor, and the General Assembly on November 1 of each year. The plan requirements for the institutions of higher education will expire on July 1, 2008, the expiration date for the reporting and monitoring phase of the agreement signed by Governor Gilmore with the Office of Civil Rights of the United States Department of Education. This bill, which was a part of the legislative initiatives of the Commission on Access and Diversity in Higher Education in the 2002 Session, was favorably considered by the Commission this year. This provision provides that "cultural diversity policies" must not be construed to require mandatory training of students or school board employees concerning cultural diversity, or to require hiring quotas or the employment of persons on the basis of race or ethnicity.

Patron - Marsh

FSB842 Planning time for elementary school teachers. Requires school boards to ensure that all elementary school teachers have a period of unencumbered planning time during each regular student school day. Currently, school boards are to "seek to ensure" that elementary school teachers have three hours of planning time each week. Pursuant to the Standards of Accreditation (SOA), middle school teachers with more than 25 class periods per week must have "one period per day unencumbered of any teaching or supervisory duties," and all full-time secondary school classroom teachers receive "one class period each day, unencumbered by supervisory or teaching duties... for instructional planning time." The SOA are silent as to planning time for elementary school teachers; however, schools are to report "the extent to which an unencumbered lunch is provided for all classroom teachers" (8 VAC 20-131-240 D, E, G).

Patron - Quayle

FSB885 Virginia Public School Authority; School Construction Grant Act of 2003. Authorizes the Virginia Public School Authority to issue bonds to fund grants to local school divisions in the total amount of \$1 billion to pay the costs of school construction, school renovation, and other school infrastructure projects. The schedule for the issuance of the bonds and the payment of the debt service on them shall be as provided in the general appropriation act. One-half of the grants (\$500 million) shall be distributed to each school division in an equal amount of \$3,676,471. The remaining one-half shall be distributed to each local school division on a set per pupil amount based on each school division's actual September 30, 2002, fall membership data as a proportion of total actual September 30, 2002, fall membership data for all school divisions. In implementing this bill, the Virginia Public School Authority shall not incur more than a total of \$250 million in debt in any fiscal year.

Patron - Puller

FSB923 Restrictions on vending machines in public elementary schools; Board regulations concerning middle and high school vending machines. Provides that no public elementary school in Virginia can contract for, allow, or continue the use of vending machines dispensing soft drinks or solid foods having empty calories, high fat, high sodium or caffeine content. Elementary schools may continue to use vending machines dispensing foods that are included in a healthy diet for young children. The Board of Education is directed to promulgate regulations relating to the use of vending machines in middle and high schools, which must address the foods that may be sold and appropriate student access to such machines.

Patron - Byrne

FSB975 Blue Ridge Regional Education and Training Council. Abolishes the Blue Ridge Regional Education and Training Council. The Council was established in 1992 to provide leadership and coordination for education and business partnership programs and excellence in education in the Blue Ridge region. Funding for the Council and staff have been eliminated. The primary purposes of the Council can be carried out by local Workforce Investment Boards and other entities. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

Patron - Trumbo

FSB1050 Smaller school divisions; adjusted state share. Creates a mechanism whereby any school board of a school division in which fewer than 350 students (Highland County) were included in average daily membership for the preceding school year, upon entering into certain cost-savings agreements with a contiguous school division for the sharing of educational, administrative, or support services, shall receive the state share for basic aid computed on the basis of the composite index of local-ability-to-pay of the contiguous school division, calculated annually, for a period of 15 years. Board of Education eligibility criteria will address the cost-savings and service-sharing agreements and for the adjustment of the state share for basic aid, consistent with the appropriation act. The local school board receiving the adjusted state share cannot use the additional funds received to supplant local funds appropriated for education. In addition, the adjusted state share cannot be used to reduce local operating expenditures for public education from the prior fiscal year. However, no school division shall be required to maintain a per pupil expenditure for operations that exceeds the per pupil expenditure in the prior fiscal year. If any such contractual agreements between the relevant school divisions terminate prior to the end of the applicable period set forth above, the Commonwealth's obligation under this section shall cease. Pursuant to §§ 22.1-26 and 22.1-27, school boards are already empowered to operate joint schools and to make agreements with "adjacent" school boards "for furnishing public school facilities and for school services." This bill is effective January 1, 2005.

Patron - Hanger

FSB1054 Continuing the Commission on Educational Accountability. Continues the 18-member Commission on Educational Accountability (SJR 498-1999) to monitor the implementation of the federal No Child Left Behind Act, the Standards of Learning assessments, and the Standards of Accreditation, and such other matters affecting educational accountability in the Commonwealth's public schools as it deems appropriate.

Patron - Hanger

FSB1056 Student directory information. Provides that directory information shall only be released in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. § 1232(g)). The federal Family Educational Rights and Privacy Act (FERPA) permits school boards to release directory information without parental consent after providing notice of this practice. Federal regulations describe this information as that which "would not generally be considered harmful or an invasion of privacy if disclosed" (34 CFR § 99.3). Federal law allows parents to refuse to allow these routine disclosures.

Patron - O'Brien

FSB1100 Character education; participation in community service. Provides that character education programs in the public schools may include opportunities for voluntary participation in community service activities pursuant to guidelines developed by the Board of Education.

Patron - Edwards

FSB1127 Standards of Quality; career and technical education. Expands the current Standards of Quality (SOQ) requirement that local school boards provide career and technical education programs to require school boards to establish as a priority the provision of those career and technical education courses for which verified units of credit may be earned through passage of a Standards of Learning assessment or through relevant industry certification or state licensure examinations as provided in Board of Education regulations. Standard 3 of the SOQ permits the Board of Education "to provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that appropriate and relevant industry certification or state licensure examinations may be substituted for correlated Standards of Learning examinations. The Board may also provide that students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations may be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, the appropriate verified units of credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated." The Board of Education adopted Guidelines for Awarding Differentiated Numbers of Verified Credit for Career and Technical Education Certification and Licensure Examinations on June 27, 2002. According to Superintendent's Memo No. 45 (July 12, 2002), the guidelines state that "students who pass a board-approved certification or licensure examination would earn one or two student-selected verified credits in career and technical education, depending on the course of study taken in preparation for the examination. The division superintendent or his designee will determine whether an individual student earns one or two verified credits for each examination passed based on the application of Board of Education guidelines and criteria." Currently, verified units of credit may be earned through a variety of industry certifications and licenses, such as those for Air Conditioning Installation, Automotive Technician, Certified Computer Service Technician, Certified Internet Webmaster Application Developer, Nurse Aide, School Bus Technician, Cosmetologist, and Real Estate Salesperson.

Patron - Norment

FSB1171 Teacher compensation; national average. Establishes as a policy of the Commonwealth that the average salary for Virginia public school teachers equal or surpass the national average salary for public school teachers and directs the Board of Education and the General Assembly to implement this policy in prescribing and revising the Standards of Quality. The Director of Human Resource Management is to

include in each biennial review of the compensation of teachers and other occupations requiring similar education and training the average salary for teachers in the Commonwealth, the national average salary for public school teachers, and the Commonwealth's national ranking for such salaries.

Patron - Puckett

FSB1213 Temporary teachers and the right to respond to students' or parents' complaints. Requires school boards to provide a temporarily employed teacher with an opportunity to present his position on a student's or parent's complaint in writing or orally to the school board chairman or his designee when (i) the temporarily employed teacher has worked for at least 90 cumulative days for the relevant school board in each of three or more consecutive years, and (ii) such complaint has resulted in the temporarily employed teacher being removed from the substitute list of, or being unable to be rehired as a substitute by, the relevant school board. This provision is only procedural in effect and must not be construed to require cause for dismissal or failure to rehire or approve any person as a temporarily employed teacher.

Patron - Newman

FSB1223 Special education; retention of counsel. Directs local school boards seeking legal counsel, in resolving disputes regarding the provision of special education and related services for students with disabilities, to strive first to use the services of existing local government counsel, and to consider the services of outside legal counsel as a second alternative. Special education services are primarily governed by the federal Individuals with Disabilities Education Act (IDEA); State Board of Education regulations outline various due process and complaint procedures, consistent with federal requirements, and permit the award of attorney's fees to parents who prevail in a legal dispute. Current subsection B also directs the Board to include in its regulations provisions encouraging the use of mediation as an informal means of resolving disputes (8 VAC 20-80-74).

Patron - Williams

FSB1304 Standards of Quality; Standard 3. Provides that student outcome measures of the Standards of Learning assessments and other Virginia State Assessment Program tests must be used for the purposes for which they have been designed and determined valid, reliable, and fair by the Standards of Learning Test Technical Advisory Committee, in accordance with accepted standards for educational testing. The Board of Education, in determining the validity of such tests, shall include Standards of Learning program effectiveness or consequential validity as recommended by the Standards of Learning Test Technical Advisory Committee. However, the results of Standards of Learning assessments and other Virginia State Assessment Program tests may not constitute the sole or primary basis for student promotion, retention, or the awarding or denial of diplomas or school accreditation.

Patron - Lambert

FSJ425 Recognizing the impending crisis in public school construction needs. Expresses the sense of the General Assembly of Virginia that there is an impending crisis in public school construction needs. The resolution states that the General Assembly acknowledges that the Commonwealth must implement a revenue strategy to assist localities in funding their school capital needs, with the objective of funding 55 percent of school capital needs over the next five years without reducing or modifying other state aid to public education. The Clerk of the Senate will forward a copy of this resolution to the Governor so that he may be apprised of the sense of the General Assembly.

Patron - Reynolds

Educational Institutions

Passed

PHB1704 Higher education; reports of expenditures of state funds. Directs the governing body of each public institution of higher education to provide the State Council of Higher Education annual data indicating the apportionment and amounts of its expenditures by category, including academic costs, administration, research, and public service, as defined by the State Council. The State Council must then compile and submit a report of such data annually to the Governor and the General Assembly.

Patron - Purkey

PHB1868 Senior Citizens Higher Education Act; emergency. Removes from the definition of "senior citizen" the reference to the income restriction and restores seniors' right to audit courses and take noncredit courses without charge regardless of income. During the 2002 Session, the \$15,000 income restriction was increased from \$10,000 to \$15,000; however, the income restriction was erroneously added to the definition. This provision includes an emergency clause and will be in force from the date of its passage.

Patron - O'Bannon

PHB2285 Authorization to transfer interest in patents and copyrights owned by institutions of higher education. Authorizes institutions of higher education to transfer intellectual property in which it has an interest to a private entity without the Governor's approval if (i) the interest was developed without the use of federal funds, (ii) the private entity makes a clear and convincing case to the relevant board that its ownership of the interest is critical to its ability to commercialize that interest, and (iii) the institution receives, at a minimum, compensation equal to the anticipated revenue stream of licensing the interest.

Patron - Devolites

PHB2339 In-state tuition for aliens. Provides that an alien who is unlawfully present in the United States, and therefore ineligible to establish domicile pursuant to § 23-7.4, shall not be eligible on the basis of residency within Virginia for any post-secondary educational benefit, including in-state tuition, unless citizens or nationals of the United States are eligible for such benefits in no less an amount, duration, and scope, without regard to whether such citizens or nationals are Virginia residents.

Patron - Drake

PHB2364 Student representative; State Council of Higher Education. Directs the State Council of Higher Education to appoint a student advisory committee comprised of students enrolled in public institutions of higher education in the Commonwealth. Appointments must be made in a manner to ensure broad student representation from among the public institutions. Appointments will be for a term of one year each, except that appointments to fill vacancies will be for the unexpired term. Members may be reappointed to serve subsequent or consecutive terms. The State Council must ensure that at least one member of the student advisory committee is reappointed each year. The student advisory committee initially appointed in 2003 will elect a chairman from among its members. In subsequent years, the advisory committee must elect a chairman from among members who have already served at least one year. The student advisory committee will meet at least twice annually and will advise the State Council of

Higher Education regarding such matters as may come before the advisory committee.

Patron - Dillard

PHB2489 State Council of Higher Education. Directs the State Council of Higher Education to review the proposed closure of any academic program in a high demand or critical shortage area, as defined by the Council, by any public institution of higher education and assist in the development of an orderly closure plan.

Patron - Tata

PHB2638 Norfolk State University. Changes the appointment date for members of the board of visitors from January 31 to June 30 of any year in which the relevant term expires.

Patron - Spruill

PHB2678 State Council of Higher Education; appointment of members. Beginning July 1, 2003, provides for the Joint Rules Committee to appoint five of the 11 members of the State Council of Higher Education, and for the Governor to appoint six members. Initial appointments to be made by the Governor and the Joint Rules Committee under the bill are as follows: (i) for the two appointments expiring on June 30, 2003, the Governor shall appoint one member and the Joint Rules Committee shall appoint one member; (ii) for the three appointments expiring June 30, 2004, the Governor shall appoint two members and the Joint Rules Committee shall appoint one member; and (iii) for the three appointments expiring June 30, 2005, the Joint Rules Committee shall appoint three members. Three members shall be appointed by the Governor in 2006. Appointments made by the Joint Rules Committee shall be from a list or lists of persons recommended by the Senate Committees on Finance and Education and Health, and the House Committees on Appropriations and Education. Current law provides for the Governor to make all appointments to the State Council of Higher Education. This bill is identical to SB 1255.

Patron - Putney

PHB2818 Supply and demand for nurses in Virginia. Adds to the duties of the State Council of Higher Education the responsibility for developing, in cooperation with institutions of higher education, the Board of Nursing, and the Advisory Council on the Future of Nursing in Virginia, a strategic statewide plan to ensure an adequate supply of nurses in Virginia. The Council is also directed to recommend to the Governor and the General Assembly such changes in public policy as may be necessary to meet the state's current and future need for essential nursing services. The Advisory Council's statute is amended to require it to develop recommendations to resolve issues pertaining to nurse education, recruitment, and retention and to report its recommendations to and cooperate with the State Council of Higher Education and the Board of Nursing in the development of a strategic statewide plan to ensure an adequate supply of nurses.

Patron - Christian

PHB2837 The University of Virginia's Board of Visitors; emergency. Requires the appointment of a rector to preside at the meetings, and a vice-rector to preside in the absence of the rector. Other duties may be performed by the rector and the vice-rector, as the board may prescribe. The terms of the rector and vice-rector will be for two years, commencing on July 1 of the year of appointment and expiring on June 30 of the year of the expiration of their terms. The board may also appoint a substitute pro tempore, as provided in its bylaws, to preside in the absence of the rector and the vice-rector. Vacancies in the offices of rector and vice-rector may be

filled by the board for the unexpired term. The membership of the executive committee, appointed to transact business in the recess of the board, must consist of not less than three nor more than six members, i.e., a possible increase of one member. Three enactment clauses at the end of the bill provide that (i) the first rector appointed to succeed the rector whose term expires on or before April 1, 2003, and the vice-rector appointed pursuant to this act will serve for terms that will expire on June 30, 2005; (ii) upon passage of this act, the board of visitors of the University of Virginia must appoint a vice-rector and must provide in its bylaws that a vice-rector will be appointed every two years and will automatically succeed the rector, upon the expiration of the rector's term; and (iii) an emergency exists and this act will be in force from its passage, i.e., on such date as may be consistent with the constitutional requirements for passage of legislation that does not become effective in due course.

Patron - Dillard

PHJ637 Strategic plan for higher education. Endorses the systemwide strategic plan for higher education created by the State Council of Higher Education as the Commonwealth's vision for higher education. Annual reporting of institutional progress in meeting the goals expressed in the plan is also requested.

Patron - Tata

PSB1025 Higher education; approval of certain terms. Authorizes the State Council of Higher Education (SCHEV) to refuse to approve and to conditionally approve requests by nonpublic institutions of higher education to use terms deemed by SCHEV to be potentially misleading to consumers, students, or the general public regarding the particular institution's affiliation or association with any public institution of higher education in the Commonwealth. The Council shall, by regulation, designate such terms, which shall include, but shall not be limited to, "public university," "public college," and "community college." However, SCHEV cannot add conditions to revoke or suspend a prior approval of a name. The provision is applicable to those institutions that are otherwise granted exemptions to SCHEV's requirements.

Patron - Houck

PSB1128 Jamestown-Yorktown Foundation. Grants voting privileges and Board of Trustee membership to any chairmen emeriti of the Jamestown-Yorktown Foundation Board of Trustees; transfers authority to appoint the members of the executive committee from the Board of Trustees to the chairman; provides that the Board chairman and vice-chairman shall be executive committee members; and, in a second enactment clause, provides that, for the period beginning with the election of officers at the fall 2002 semiannual board meeting through the election of officers at the fall semiannual meeting to be held in 2008, during the preparation for and commemoration of the 400th anniversary of the founding of Jamestown, the Board of Trustees shall elect two Co-Chairmen of the Board of Trustees. During this time, the Board of Trustees is to designate one of the two Co-Chairmen to exercise annually the duties of chairman.

Patron - Norment

PSB1255 State Council of Higher Education; appointment of members. Beginning July 1, 2003, provides for the Joint Rules Committee to appoint five of the 11 members of the State Council of Higher Education, and for the Governor to appoint six members. Initial appointments to be made by the Governor and the Joint Rules Committee under the bill are as follows: (i) for the two appointments expiring on June 30, 2003, the Governor shall appoint 1 member and the Joint Rules Committee shall appoint one member; (ii) for the three

appointments expiring June 30, 2004, the Governor shall appoint two members and the Joint Rules Committee shall appoint one member; and (iii) for the three appointments expiring June 30, 2005, the Joint Rules Committee shall appoint three members. Three members shall be appointed in 2006 by the Governor. Appointments made by the Joint Rules Committee shall be from a list or lists of persons recommended by the Senate Committees on Finance and Education and Health, and the House Committees on Appropriations and Education. Current law provides for the Governor to make all appointments to the State Council of Higher Education. This bill is identical to HB 2678.

Patron - Chichester

PSJ306 School of forestry. Recognizes the need for an institute of forestry and environmental science through a partnership between Dabney Lancaster Community College and Virginia Polytechnic Institute and State University.

Patron - Deeds

Failed

FHB1513 Higher education; elimination of tenure. Eliminates tenure for faculty accepting employment at a public institution of higher education on and after July 1, 2003. Persons employed in tenure-track positions before July 1, 2003, may still be eligible for the award of tenure. A second enactment clause provides that current Virginia statutes and regulations addressing the award of tenure to higher education faculty shall be applicable only to those persons employed in faculty positions eligible for such award before the effective date of this measure. The Code cites agency regulations regarding tenure for faculty (§§ 2.2-4002 and 2.2-4101) as well as early retirement incentives for tenured faculty (§ 23-9.2:3.1).

Patron - Albo

FHB1562 Higher education; admission of illegal aliens prohibited. Provides that public institutions of higher education may not knowingly accept for enrollment any illegal alien, and directs each institution, upon discovering an enrollment of an illegal alien, to provide for the prompt dismissal of any such person from the institution.

Patron - Reid

FHB1609 Reduced tuition for certain students. Allows the governing board of the Virginia Community College System (VCCS) to charge reduced tuition to any alien not holding an immigration visa or not classified as a political refugee who is enrolled in one of the System's institutions, lives within a 30-mile radius of a Virginia institution, has received a high school diploma or general educational development certificate from a public or private high school in the Commonwealth, and provides the relevant institution an affidavit stating that the individual will file an application to become a permanent resident within 90 days of the date upon which such individual becomes eligible to do so. These students would also be entitled to the same rights and benefits as other eligible students, including eligibility for state financial aid, scholarships, and grants. The State Council of Higher Education, in consultation with the governing board of the VCCS, is to develop guidelines for the grants of eligibility for reduced tuition and state financial aid, scholarships, and grants for these students. Unless otherwise required by federal or state law, any information submitted to any of the System's institutions by these students must remain confidential and cannot be released without the express consent of the individual. Currently, the VCCS may charge reduced tuition to any person enrolled in one of the System's institutions who lives within a 30-mile radius of a Virginia institution, is domiciled in, and is entitled to, in-state

tuition charges in the institutions of higher learning in any state that is contiguous to Virginia and that has similar reciprocal provisions for persons domiciled in Virginia.

Patron - Darner

FHB1610 In-state tuition for certain alien students. Provides eligibility for in-state tuition, but not classification as a Virginia resident, upon a showing of clear and convincing evidence that such alien (i) attended a public or private high school in the Commonwealth for two or more years; (ii) received a high school diploma or a general educational development certificate from a public or private high school in the Commonwealth; (iii) registers as an entering student in a public institution of higher education in the Commonwealth not earlier than the 2003-2004 academic year; and (iv) files an affidavit with the enrolling public institution of higher education in the Commonwealth stating that the individual will file an application to become a permanent resident within 90 days of the date such individual becomes eligible to do so. Individuals eligible for reduced tuition would also be entitled to the same rights and benefits as other in-state students, including eligibility for state financial aid, scholarships, and grants. The State Council, in consultation with the governing board of the Virginia Community College System, shall develop guidelines for the grants of eligibility for reduced tuition and state financial aid, scholarships, and grants for these individuals. Unless otherwise required by federal or state law, any information submitted to any of the System's institutions by such students will remain confidential and cannot be released without the express consent of the student. The measure addresses "individuals" rather than a specific class of immigrant or alien students, as the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. § 1623 (a)) provides that an alien "who is not lawfully present in the United States shall not be eligible for ... any post-secondary benefit unless a citizen or national of the United States is eligible for such a benefit...without regard to whether the citizen or national is such a resident." Section 23-7.4 is cross-referenced throughout the Code of Virginia for purposes of defining "domicile," "domiciliary status," "bona fide resident," and other similar terms. The grant of eligibility for in-state tuition provided by this measure does not confer domicile on the alien student; the only other provision referencing students who are granted in-state tuition under this section is § 23-7.4:2, which permits a community college to charge in-state tuition to "[a]ny student from a foreign country who is enrolled in a foreign exchange program approved by the state institution during the same period that an exchange student from the same state institution, who is entitled to in-state tuition pursuant to § 23-7.4, is attending the foreign institution." This bill is similar to legislation enacted in Texas.

Patron - Darner

FHB1891 Higher education; reduction in force. Prohibits public institutions of higher education terminating the employment of or failing to renew the employment contracts of individuals in full-time faculty positions within a particular academic discipline or department on the grounds of reduction in force due to lack of funding, regardless of whether such positions may provide eligibility for tenure, from hiring additional "replacement" full- or part-time faculty within the same academic discipline or department for three calendar years from the date of each such nonrenewal or termination of employment without first offering such position, at the same salary and under the same terms as offered to other applicants, to the terminated faculty employee.

Patron - Albo

FHB1971 Consolidation of The Science Museum of Virginia and the Virginia Museum of Natural History.

Transfers the administration and operations of the Virginia Museum of Natural History to the board of trustees of The Science Museum of Virginia. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

Patron - Athey

FHB2030 Higher education; vegetation buffer zones. Requires the governing boards of each four-year public institution of higher education, in entering into any contracts for construction or expansion projects on and after July 1, 2003, unless otherwise required by any applicable local zoning regulation or as may be otherwise required by agreement with the relevant local governing body, to include in any such contracts provisions ensuring the maintenance of a minimum buffer zone of trees, shrubs, or other vegetation of at least 100 feet in depth where such projects are adjacent to private communities that are zoned for single-family residential housing.

Patron - Petersen

FHB2421 Virginia War Orphans Education Act. Adds the children of parents who are killed or disabled as a result of service in military operations against terrorism, a peace-keeping mission, or a terrorist act subsequent to December 6, 1941, to the list of children eligible to attend public institutions of higher education or other accredited postsecondary institutions granting a certificate, diploma, or degree, free of tuition and required fees. Clarifies that the children of members of the United States Armed Services Reserves and the Virginia National Guard Reserve called to active military duty and who are killed in action or are totally and permanently disabled are also eligible for such benefits. Tuition, institutional charges and required fees, and books and supplies are waived for eligible children. Eligible children of such parents must be between 16 and 25 years of age. The parent, upon whom eligibility for these benefits is based, (i) must have been a citizen of the Commonwealth at the time of entering active military service; (ii) must have been a citizen of the Commonwealth for at least five years prior to the submission of the child's application for admission to college; (iii) must have been a citizen of the Commonwealth on the date of his death and had been a citizen for at least five years prior to his death; (iv) the surviving parent has been a citizen of the Commonwealth for at least five years prior to marrying the deceased parent; or (v) the surviving parent has been a citizen of the Commonwealth for at least five years immediately prior to the date on which the child's application for college admission was submitted to any public institution of higher education or other accredited postsecondary institution granting a certificate, diploma, or degree. This bill also makes the benefits consistent between eligible children of members of the military and eligible children and spouses of persons who are killed in the line of duty while employed or serving as law-enforcement officers, firefighters, correctional officers, local and regional jail farm superintendents, sheriffs, deputy sheriffs, and emergency medical services. Further, this bill provides technical amendments to clarify for whom tuition and required fees are waived.

Patron - Janis

FHB2450 Annual reports; university-related foundations. Requires the governing board of university-related foundations operating auxiliary enterprises, such as on-campus bookstores and food and vending services, to annually report to the General Assembly and the State Council of Higher Education, in a form to be prescribed by the State Council of Higher Education in consultation with the State Treasurer and the Auditor of Public Accounts, its stated mission; a description of programs, activities, and initiatives developed and imple-

mented to fulfill such mission; and audited financial and development activities. Section 23-9.2 articulates the policy of the Commonwealth to "encourage the state-supported institutions of higher education in Virginia in their attempts to increase their endowment funds and unrestricted gifts from private sources" and that state funding for these institutions is not to be altered based upon the availability of endowment resources.

Patron - Griffith

FHB2736 Faculty representatives to boards of visitors, the State Board for Community Colleges, and local community college boards. Requires the boards of visitors of four-year public institutions of higher education, the State Board for Community Colleges, and local community college boards to appoint a nonvoting, advisory faculty representatives to their boards. In the case of the State Board for Community Colleges, the representative must be appointed from among persons elected by the Chancellor's Faculty Advisory Committee. Faculty representatives to boards of visitors and local community college boards must be appointed from among those individuals elected by the faculty, faculty senate, or other equivalent group of the institution. All representatives must serve terms of not less than one 12-month period, which is coterminous with the institution's fiscal year, or for terms mutually agreed to by (i) the State Board for Community Colleges and the Chancellor's Faculty Advisory Committee, or, (ii) as the case may be, the local community college board or the board of visitors and the institution's faculty senate or other equivalent group. The State Board for Community Colleges, local community college boards, and boards of visitors may exclude faculty representatives from discussions of faculty grievances, faculty or staff disciplinary matters, or salaries.

Patron - Shuler

FSB752 Reporting of serious campus crime to Attorney General. Requires the governing body of each public and private institution of higher education in Virginia to annually report to the Office of the Attorney General all incidents involving violent crime occurring on the campus of the relevant institution. The reports are to be based on data collected from any criminal incident information from campus police departments at public and private institutions of higher education, as provided in § 23-232.1, and such other records and materials as the Attorney General may designate for the purpose of recording the frequency of such incidents and making such information available to the public. The Office of the Attorney General is to develop and implement procedures to implement this subsection that address those violent crimes required to be reported, which shall include, but may not be limited to, violent felony offenses as defined in § 19.2-297.1 and any crime ancillary thereto (such as murder, kidnapping, certain sexual assaults, and other serious crimes); reporting dates; report formats; confidentiality of personal identifying information; the withholding of information whose release may jeopardize an ongoing investigation or individual safety; and such other matters as the Attorney General deems necessary.

Patron - O'Brien

FSB753 Eligibility for in-state tuition. Eliminates current eligibility for in-state tuition to aliens holding an immigration visa and denies eligibility for in-state tuition and other state-issued postsecondary school benefits to any person deemed a foreign national--a non-U.S. citizen--under federal law. An exception is included to acknowledge federal immigration law and regulation that may confer state resident status on certain aliens. Also eliminated are (i) the authority of public institutions of higher education to grant in-state tuition to any student from a foreign country who is enrolled in a foreign exchange program approved by the state institution during the

same period that an exchange student from the same state institution, who is entitled to in-state tuition is attending the foreign institution; and (ii) complete waivers of tuition and required fees for a student from a foreign country enrolled in a public institution of higher education through a student exchange program. Again, grants of in-state tuition would continue only if federal law conferred state residency status on these individuals. The U.S. Code defines a "national of the United States" as "a citizen of the United States, or a person who, though not a citizen of the United States, owes permanent allegiance to the United States" (8 U.S.C. § 1101(a)(23)). "Alien" is defined as "any person not a citizen or national of the United States" (8 U.S.C. § 1101(a)(3)). A "national" is "a person owing permanent allegiance to a state" (8 U.S.C. § 1101(a)(21)).

Patron - O'Brien

FSB754 False or misleading applications for college admission or employment; civil penalty. Creates a civil penalty for any person to intentionally include false or misleading information in any application or supporting documents for admission or employment at a public institution of higher education in the Commonwealth or in any documents submitted in support thereof. Any person who violates any provisions of this section may be assessed a civil penalty not to exceed \$5,000 for each violation. All civil penalties paid to the Commonwealth pursuant to this section shall be deposited into the Literary Fund. The Office of the Attorney General, on behalf of the governing board of the relevant institution, may bring a cause of action in the circuit court having jurisdiction where the person resides or where the institution is located for a civil penalty against any person who knowingly submits such false or misleading information.

Patron - O'Brien

FSB787 Certain reports on student progress required. Requires, at the conclusion of each academic year, the board of visitors or other governing body of every four-year public institution of higher education to provide to the chairman of each school board in this Commonwealth and to the division superintendent of each school division a progress report on the full-time, first-year students enrolled in the relevant institution who received diplomas during the prior school year from any of the relevant school division's high schools. The progress report must indicate the number of students who took remedial or compensatory classes and shall indicate the retention status and grade point average of each student who graduated from high schools in the division during the prior school year. The State Council of Higher Education must define "remedial" or "compensatory" classes, which may include, but need not be limited to, noncredit courses within the four-year institution of higher education, courses provided in community colleges that do not transfer for credit to four-year institutions, or courses provided through public school adult education programs. The State Council of Higher Education and the Board of Education shall develop a procedure for implementation of the requirements of this section.

Patron - Deeds

FSB1035 Faculty representatives to boards of visitors, the State Board for Community Colleges, and local community college boards. Requires the boards of visitors of four-year public institutions of higher education, the State Board for Community Colleges, and local community college boards to appoint one or more nonvoting, advisory faculty representatives to their boards. In the case of the State Board for Community Colleges, the representatives must be appointed from among persons elected by the Chancellor's Faculty Advisory Committee. Faculty representatives to boards of visitors and local community college boards must be appointed from among those individuals elected by the faculty, faculty senate,

or other equivalent group of the institution. All representatives must serve terms of not less than one 12-month period, which is coterminous with the institution's fiscal year, or for terms mutually agreed to by (i) the State Board for Community Colleges and the Chancellor's Faculty Advisory Committee, or, (ii) as the case may be, the local community college board or the board of visitors and the institution's faculty senate or other equivalent group. The State Board for Community Colleges, local community college boards, and boards of visitors may exclude faculty representatives from discussions of faculty grievances, faculty or staff disciplinary matters, or salaries.

Patron - Trumbo

FSB1061 Consolidation of The Science Museum of Virginia and the Virginia Museum of Natural History. Transfers the administration and operations of the Virginia Museum of Natural History to the board of trustees of The Science Museum of Virginia. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

Patron - O'Brien

FSB1110 Virginia Exemplary Academic Performance Admission Program. Creates the Virginia Exemplary Academic Admission Program to provide opportunities for higher education to students with exceptional academic performance. The bill provides that any student who is a citizen of Virginia, and graduates from an accredited public school in the Commonwealth in the top five percent of his graduating class, must be admitted to any public institution of higher education, if application is made within two years of his graduation from high school. Public institutions of higher education are required to verify the student's class rank and review his scholastic record to determine whether he may benefit from enrichment courses and programs to enhance his academic abilities and achievement. After admitting any student who graduates in the top five percent of his graduating class, the institution must admit other undergraduate students in the manner required by the institution's admission policy. In admitting students who graduate in the top five percent of their class, institutions may consider any or all, or a combination of certain socioeconomic and other factors that will enable the institution to satisfy its stated mission. Each public institution must submit an annual report to the State Council of Higher Education that describes the composition of the entering class of students admitted to the institution under this program. The State Council of Higher Education must administer the program and must disseminate information concerning the program to students and their parents, secondary school guidance counselors, and admissions officers and academic advisors at institutions of higher education through existing mechanisms designed to inform students and their parents of higher education opportunities, academic requirements for college entrance, the admissions process, and financial aid in the Commonwealth. The Council is also authorized to adopt rules and regulations governing the program. This bill was favorably considered by the Commission on Access and Diversity in Higher Education.

Patron - Whipple

FSB1353 The University of Virginia's Board of Visitors; emergency. Requires the appointment of a rector to preside at the meetings, and a vice-rector to preside in the absence of the rector. The terms of the rector and vice-rector will be for two years, commencing on July 1 of the year of appointment and expiring on June 30 of the year of the expiration of their terms. The board will also appoint, from among its members, a secretary for such term and with such duties as the board prescribes. The board may also appoint a substitute pro

tempore, as provided in its bylaws, to preside in the absence of the rector on the vice-rector. The membership of the executive committee, appointed to transact business in the recess of the board, must consist of not less than three nor more than six members, i.e., a possible increase of one member. Three enactment clauses at the end of the bill provide that (i) the rector appointed to succeed the rector whose term expires on or before April 1, 2003, and the first vice-rector appointed pursuant to this act will serve for terms that will expire on June 30, 2005; (ii) upon passage of this act, the board of visitors of the University of Virginia must appoint a vice-rector and must provide in its bylaws that a vice-rector will be appointed every two years and will automatically succeed the rector, upon the expiration of the rector's term; and (iii) an emergency exists and this act will be in force from its passage.

Patron - Stolle

Elections

Passed

PHB1422 Elections; assistants to and employees of general registrars; officers of election. Provides that an unpaid or paid assistant registrar or an officer of election must be a qualified voter of the Commonwealth but does not need to be a qualified voter of the locality in which he serves as an assistant registrar or officer of election. Under current law, only paid assistant registrars are not required to be qualified voters of the locality in which they serve.

Patron - Callahan

PHB1437 Printing ballots after the death, withdrawal, or disqualification of a political party nominee. Provides that notice of the withdrawal or disqualification of a party nominee must be given to election officials at least 60, rather than 45, days before the general election in order to have ballots for the election either printed or reprinted with the names of any replacement party candidate or new candidates who qualify for the ballot.

Patron - Cosgrove

PHB1508 Voter petition requirements for independent candidates, primary candidates, and groups supporting presidential candidates. Deletes the requirement now applicable to petitions for candidates for statewide offices that a voter's signature on the petition must be witnessed by a qualified voter who is a resident of the same or a contiguous congressional district as the voter signing the petition. With this change, the witness may be a qualified voter and resident in any congressional district in the Commonwealth.

Patron - Callahan

PHB1542 Campaign finance disclosure; separate candidate committee account to comply with federal campaign finance law requirements. Permits a candidate to maintain a separate account from his campaign account to demonstrate compliance with federal law requirements such as contribution limits and prohibitions against corporate donations. The proposal is designed to allow federal candidates and officeholders to support state and local candidates and establish their compliance with federal law restrictions on campaign contributions. The bill requires the filing of all state-required campaign finance disclosure reports on a consolidated basis for both the basic campaign account and the special federal activity account.

Patron - Marshall, R.G.

PHB1586 Basic requirements for political campaign advertisements. Modifies the size requirement for the disclosure statement that must be printed on "print media" political campaign advertisements under the "Stand by Your Ad" law enacted in 2002. The law as enacted requires that the disclosure statement must constitute five percent of the height of any "print media" advertisement. The bill provides that the disclosure statement shall be "displayed in a conspicuous manner." The bill also specifically includes bumper stickers in the definition of "print media" and exempts novelty items such as pens, pencils, magnets, and buttons from the disclosure statement requirement. This bill contains an emergency clause and incorporates HBs 1551, 1692, and 2464.

Patron - Cole

PHB1587 Retention of cancelled voter registration records. Reduces the current four-year retention requirement to two years except for registrations cancelled because the voter has moved to another state or because of changes submitted by the voter.

Patron - Cole

PHB1589 Absentee ballot applications and procedures. Provides that an applicant for an absentee ballot who applies in person when the printed ballot for the election is available may choose, if at least five days remain before the election, to have the absentee ballot mailed to him rather than voting the absentee ballot in person at the general registrar's office or other authorized site. Current law specifies that an applicant who applies in person for an absentee ballot must vote in person at that time and does not allow election officials to mail the ballot to the applicant.

Patron - Cole

PHB1590 Notice of times and locations for registration. Deletes the requirement that the general registrar shall give notice each January of the schedule for voter registration times and locations for the calendar year by posting the notice at the courthouse and publishing it in a newspaper with general circulation in the county or city. The bill retains the requirements for published notice of the registration times and locations on the final day to register before each election. The bill adds publication on the official website for the county or city as a means of giving notice for certain additional registration sites and times.

Patron - Cole

PHB1643 Polling places; prohibited area; emergency situations. Permits the local electoral board, with the concurrence of the State Board, to modify the distance requirements that define the prohibited area around a polling place in the event of a state of emergency declared by the Governor or President.

Patron - Marshall, R.G.

PHB1644 Federal campaign and political committees; comity. Provides for the regulation of federal campaign and political committees to the extent that federal law regulates Virginia campaign and political committees. The State Corporation Commission and the state Department of Taxation are given responsibilities for the enforcement of this law.

Patron - Marshall, R.G.

PHB1693 Campaign Finance Disclosure Act; mandatory electronic filing of reports; political committees. Requires political committees (including PACs and political party committees subject to the Act's reporting requirements) to file campaign finance reports electronically in accordance with State Board of Elections standards. Exceptions are made

for county or city political party committees that file reports locally and for political committees that do not accept contributions or make expenditures in excess of \$10,000 in any calendar year. The bill provides for a filing deadline extension in the event of a failure in the computer and electronic filing system.

Patron - McQuigg

PHB1854 Absentee ballot procedures. Clarifies instructions on the absentee ballot return envelope regarding the absentee voter's full name and Virginia residence address.

Patron - Lingamfelter

PHB1862 Campaign Finance Disclosure Act; certain forms, filings, and reporting requirements. Provides that candidates who seek reelection to the same office are not required to close out their campaign account and file new papers for their campaign for reelection to the same office but shall file their reports for each election cycle. An election cycle approximates the term of office.

Patron - O'Bannon

PHB2145 National Voter Registration Act Coordinating Committee. Abolishes the National Voter Registration Act Coordinating Committee. The Committee was formed in 1999 as a result of a JLARC study of the State Board of Elections. No recommendation has ever emerged from the Committee because of the independent action initiated by the State Board of Elections and other agencies to resolve problems relating to implementation of the National Voter Registration Act. The duties previously envisioned for the Committee are currently being carried out by staff in the Department of Motor Vehicles and the Office of the Secretary of Health and Human Resources. This bill is identical to legislation recommended by the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill is identical to SB 750.

Patron - Rust

PHB2196 Campaign finance disclosure reports; filing schedule for certain persons and political committees. Revises current filing schedule for political committees. In lieu of the present schedule of six reports per year, the bill requires semi-annual reports and requires pre-election and large contribution reports, if the committee is active with respect to the specific election.

Patron - Jones, S.C.

PHB2197 House of Delegates districts. Makes technical adjustments in the House of Delegates lines to conform legislative lines to new election district and precinct lines in several localities. All districts remain within the 2.0 percent population deviation standard followed in the 2001 redistricting. Adjustments are made within the Counties of Albemarle, Amherst, Bedford, Brunswick, Caroline, Fluvanna, Hanover, King William, and Prince William and the Cities of Chesapeake, Franklin, Hopewell, Norfolk, and Suffolk. Districts 19, 22, 23, 24, 25, 31, 51, 54, 55, 57, 58, 59, 61, 62, 64, 74, 75, 76, 77, 79, 87, 89, 97, 98, and 99 are affected. This bill contains an emergency clause and incorporates HBs 1773 and 2240.

Patron - Jones, S.C.

PHB2198 Conditional votes; identification requirement. Provides that a voter who is not listed on the precinct registered voter list and seeks to cast a conditional ballot must provide any one of the following forms of identification: his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's license, or any

other identification card issued by a government agency; or any valid employee identification card containing a photograph of the voter. It shall not be sufficient for the person to sign a statement that he is the named registered voter who he claims to be, in lieu of presenting one of the listed forms of identification. The bill also covers procedures for electoral board action and election contests with respect to such ballots.

Patron - Jones, S.C.

PHB2304 Political committees advocating passage or defeat of referenda; disclosure. Requires a political committee to comply with the requirements of the Campaign Finance Disclosure Act and file a statement of organization and contribution and expenditure reports if the committee makes expenditures in a calendar year to advocate the passage or defeat of (i) a statewide referendum in excess of \$10,000, (ii) a referendum held in two or more counties and cities in excess of \$5,000, and (iii) a referendum held in a single county or city in excess of \$1,000. The bill modifies the requirements for the statement of organization, requires a separate account be maintained for expenditures related to a referendum, and exempts advertisements by such committees from certain disclosure statement requirements.

Patron - Devolites

PHB2568 Presidential primaries. Sets the presidential primary date as the second, rather than the last, Tuesday in February. This bill is identical to SB 959.

Patron - Van Landingham

PHB2635 Recounts and contests of elections; presidential elections. Revises the procedures for a recount and contest following a presidential election to shorten the timetable for both proceedings. The revised timetable will permit completion of the proceedings in time to comply with the federal law deadline for states to complete such procedures. Under that federal law, if the state law provides for a final decision on a presidential election at least six days before the date the electors are to meet, the state's determination is conclusive and cannot be challenged. The bill does not affect recount and contest proceedings in other elections.

Patron - Marshall, R.G.

PHB2710 Solicitation of signatures for nominating petitions by electoral board members and staff. Prohibits the solicitation of signatures for nominating petitions for candidates for public office by electoral board members and staff in any building owned or leased by the county or city served by the electoral board.

Patron - Hugo

PHB2835 Nominations and ballots for presidential elections. Extends the statutory deadline for a political party to file the names of its presidential and vice-presidential candidates and electors with the State Board of Elections if its national convention is being held after the deadline. The present deadline is the seventy-fourth day before the election (August 20, 2004).

Patron - Jones, S.C.

PHB2836 Campaign finance disclosure reports, failure to file and late filings, and exceptions. Authorizes the Secretary of the State Board of Elections to extend filing deadlines for a reasonable period for any candidate who serves as his own treasurer and is called to active duty during a reporting period.

Patron - Crittenden

PSB702 Special elections to fill vacancies in offices; notice of election. Provides that the secretary of the electoral

board of each county or city participating in a special election to fill a vacancy may provide public notice of the special election by posting the writ on the official website for the locality as an additional, alternative means of public notice in lieu of either posting copies of the writ in 10 public places or publishing the writ in a newspaper.

Patron - Howell

PSB750 National Voter Registration Act Coordinating Committee. Abolishes the National Voter Registration Act Coordinating Committee. The Committee was formed in 1999 as a result of a JLARC study of the State Board of Elections. No recommendation has ever emerged from the Committee because of the independent action initiated by the State Board of Elections and other agencies to resolve problems relating to implementation of the National Voter Registration Act. The duties previously envisioned for the Committee are currently being carried out by staff in the Department of Motor Vehicles and the Office of the Secretary of Health and Human Resources. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill is identical to HB 2145.

Patron - O'Brien

PSB792 Senatorial districts. Makes adjustments in certain senatorial district boundaries in order to conform the Senate lines to new local election precinct and district lines and avoid splitting the new local precincts between senatorial districts. The bill continues to name 2000 census precincts in order to be consistent with the district descriptions for all other districts as found in § 24.2-303.1. Boundary line adjustments are made within Brunswick, Buckingham, Fairfax, Goochland, and York Counties and the Cities of Franklin, Hampton, Hopewell, and Suffolk. Technical adjustments affect the First, Second, Third, Tenth, Twelfth, Thirteenth, Fifteenth, Sixteenth, Eighteenth, Twenty-fifth, Thirty-fifth, Thirty-seventh, and Thirty-ninth Districts. All districts are within the plus or minus 2 percent deviation from total population equality standard used in drawing new districts in 2001. The bill contains an emergency clause.

Patron - Miller, K.G.

PSB959 Presidential primaries. Sets the presidential primary date as the second, rather than the last, Tuesday in February. This bill is identical to HB 2568.

Patron - Lambert

PSB1107 Elections; administration of elections and election procedures; penalties. Incorporates numerous clarifications and revisions in the election laws, including changes in the process for filling vacancies, financing local electoral boards and staffs, registering voters, nominating candidates, conducting elections, merging the registered voter lists and pollbooks, and voting absentee. This bill incorporates SB 793.

Patron - Whipple

PSJ350 Help America Vote Act of 2002. Encourages the Secretary of the State Board of Elections to lead Virginia's efforts to meet the requirements of the Help America Vote Act and obtain funds available through the Act for improving the voter registration and election process, including the development of a state plan for use of funds to improve voter registration procedures and the conduct of elections.

Patron - O'Brien

Failed

FHB1405 Party designations on the ballot. Extends to local elections, other than school board and soil and water conservation district elections, the identification of candidates by party name on the ballot. Current law provides for party identification of candidates on ballots only for federal, state-wide, and General Assembly elections. The bill also allows any locality to provide by charter or by ordinance for nonpartisan elections for the governing body without any party identification on the ballot for governing body candidates. The bill explicitly provides that an endorsement by a political party of a candidate who qualifies for the ballot through the petition process is not grounds for identifying that candidate by the party's name. This bill is identical to SB 769.

Patron - Black

FHB1468 Residence addresses for purposes of voter registration and Department of Motor Vehicles applications and records. Requires individuals to provide the same residence address for purposes of voter registration and for obtaining licenses, permits, and identity cards from the Department. The bill also directs the State Board of Elections and Department to implement procedures to verify the same residence address is shown on the voter registration system and Department records. The bill will become law on January 1, 2005.

Patron - Purkey

FHB1551 Basic requirements for political campaign advertisements. Modifies the size requirement for the disclosure statement that must be printed on "print media" political campaign advertisements under the "Stand by Your Ad" law enacted in 2002. The law as enacted requires that the disclosure statement must constitute five percent of the height of any "print media" advertisement. The bill provides that mass mailings, fliers, or small signs may show the disclosure statement in 12 point or larger type size as an alternative to the five percent height requirement. Signs between one and 16 feet in size may show the disclosure statement in 18 point or larger type size as an alternative. The five percent height requirement would continue to apply to other print media advertisements such as those in newspapers, in magazines, and on billboards. This bill is incorporated into HB 1586.

Patron - Marshall, R.G.

FHB1588 Central absentee voter precincts; counting ballots. Permits the officers of election at a central absentee voter precinct to begin counting ballots as soon as the polls open on election day. The bill prohibits any announcement of the results until after the polls have closed. Current law prohibits any counting of ballots until the polls have closed.

Patron - Cole

FHB1608 Campaign finance disclosure; special reports of large contributions received by candidates for local offices. Requires any candidate for a constitutional or local office to report any contribution of more than \$1,000 within one business day of its receipt to the local electoral board where the candidate resides.

Patron - Darner

FHB1614 Electoral College. Provides that the Commonwealth's votes in the electoral college shall be allocated by the popular vote statewide and in each congressional district. The candidates for President and Vice President who win the popular statewide vote will receive the votes of the two statewide electors and the candidate who wins the popular vote in each congressional district will receive the vote of that dis-

trict's elector. Maine and Nebraska allocate electoral college votes in this manner.

Patron - Scott

FHB1692 Basic requirements for political campaign advertisements. Modifies the size requirement for the disclosure statement that must be printed on "print media" political campaign advertisements under the "Stand by Your Ad" law enacted in 2002. The law as enacted requires that the disclosure statement must constitute five percent of the height of any "print media" advertisement. The bill provides that print media other than billboards or outdoor advertising facilities may show the disclosure statement in 12 point or larger type size as an alternative to the five percent height requirement. The bill also exempts novelty items such as pens, buttons, magnets, and balloons from the disclosure statement requirement. This bill is incorporated into HB 1586.

Patron - McQuigg

FHB1773 House of Delegates districts. Makes technical adjustments in the House of Delegates lines dividing Albemarle County among the Twenty-fifth, Fifty-seventh, Fifty-eighth, and Fifty-ninth Districts in order to have the House lines coincide with the County's new magisterial district and precinct lines. The split precincts named in the bill are 2000 census precincts that technically must be split in order to pick up the new precinct lines. The respective district population deviations remain within the plus or minus 2.0 percent population deviation used in the 2001 redistricting. This bill is incorporated into HB 2197.

Patron - Van Yahres

FHB1810 Securing of election equipment and disposition of election materials following the election. Modifies current law provisions for those localities where the officers of election deliver election materials after the election to the general registrar rather than the clerk of the circuit court. The modifications provide (i) that the general registrar must retain the materials in a locked location, (ii) that the materials will be delivered to the clerk of the circuit court on the first business day following the electoral board's completion of its ascertainment of the results of the election, and (iii) that the sealed envelopes containing voting equipment keys will be delivered to the clerk with the other election materials.

Patron - Welch

FHB1818 Virginia Clean Election Act and Fund; penalties. Establishes an alternative, publicly financed, campaign financing option for candidates for Governor, Lieutenant Governor, and Attorney General. A candidate may volunteer to participate and be certified for public funds after a qualifying process. A participating candidate may not accept or spend private contributions and must abide by the campaign contribution and spending restrictions set out in the Act. The bill establishes the Virginia Clean Election Commission to administer the Act and Fund. The bill sets a contribution limitation of \$500 for elections for Governor, Lieutenant Governor, and Attorney General. The bill is based on the Maine Clean Election Act.

Patron - Scott

FHB1855 Prohibited use of public funds to support or oppose candidates or referendum questions. Prohibits state and local governmental agencies, and their officers and employees, from spending public funds to pay for advertisements to support or oppose candidates or referendum questions. The bill contains an exception to allow the use of public funds to provide neutral explanations of referendum questions pursuant to certain statutory provisions.

Patron - Lingamfelter

FHB2078 November elections for mayors and councils of cities and towns; related elections and filing deadlines. Provides that all elections for city mayors and councils will be held at the November general election. The bill modifies current law, which gives cities and towns an option whether to elect governing bodies in May or November. Towns retain that option. City and town governing body elections may be held in November in either even-numbered or odd-numbered years.

Patron - Gear

FHB2126 State Board of Elections; powers and duties; removal of local election officials. Provides (i) for 10 days' written notice and a hearing by the State Board to remove a registrar from office, (ii) for five days' written notice and a hearing to remove an electoral board member, registrar, or other election official from office because of disqualification on constitutional or statutory grounds, including failure to relinquish an incompatible office, (iii) for an immediate hearing if necessary to avoid irreparable harm to a pending election, and (iv) for an appeal by the removed party by petition to the City of Richmond Circuit Court. The bill also amends the law on court proceedings for removal of electoral board members to refer to the State Board's authority to initiate proceedings and to require removal on proof by "clear and convincing evidence of the member's failure to discharge the duties of his office in accordance with law." This bill is identical to SB 1252.

Patron - Reid

FHB2136 Electoral college. Provides that the Commonwealth's votes in the electoral college shall be allocated by the popular vote statewide and in each congressional district. The candidates for President and Vice President who win the popular statewide vote will receive the votes of the two statewide electors and the candidates who win the popular vote in each congressional district will receive the vote of that district's elector. Maine and Nebraska allocate electoral college votes in this manner.

Patron - Brink

FHB2139 Pilot program for certain uniformed and overseas citizens to transmit absentee ballots electronically and by the Internet. Permits the State Board of Elections to establish a pilot program for implementation in 2004 to allow certain uniformed and overseas voters to cast absentee ballots for federal elections via the Internet.

Patron - Brink

FHB2142 Campaign Finance Disclosure Act, record retention requirements and reviews of campaign finance disclosure reports. Provides (i) that the State Board of Elections shall review the campaign finance reports of all candidates for Governor, Lieutenant Governor, Attorney General, of candidates for the General Assembly from 10 House of Delegates districts and four Senate districts, and of 10 percent of political committees reporting activity in an odd-numbered year November election; (ii) that the review shall be for the purpose of ensuring compliance with the Campaign Finance Disclosure Act; (iii) that the Board shall meet publicly to select on a random basis by a drawing the General Assembly districts and political committees to be reviewed; and (iv) that the campaign committee or political committee treasurer shall retain, and provide on request by the Board, the bank statements and copies of checks issued on committee depositories and receipts for campaign fund expenditures greater than \$500. The bill takes effect January 1, 2005.

Patron - Brink

FHB2143 Vacancies in the House of Representatives; timing and notice requirements for special elections.

Permits the Governor to call for a special election to fill two or more vacancies in the House caused by a catastrophe and to modify statutory timing and notice requirements for the special election. The bill reflects action taken by the House of Representatives calling for states to review their statutes to assure the prompt filling of vacancies in the House in the event of a catastrophe. See, H. Res. 559 (2002), United States House of Representatives.

Patron - Brink

FHB2168 House of Delegates districts. Changes a segment of the boundary between the First and Second Districts in Wise County to conform the House line to new County election district and precinct lines. The First District would be minus 2.3 percent below the ideal population. The population deviation range for the 2001 redistricting was plus or minus 2.0 percent.

Patron - Phillips

FHB2169 House of Delegates districts. Changes a segment of the boundary between the Second and Third Districts in Russell County to conform the House line to new County election district and precinct lines. The precinct line splits census blocks, contrary to the practice of not splitting blocks during the 2001 redistricting. Because of the split blocks, the exact population impact of the change cannot be determined. The Second District would be at least 2.4 percent below ideal, and could be as much as 3.3 percent below ideal. The population deviation range for the 2001 redistricting was plus or minus 2.0 percent.

Patron - Phillips

FHB2194 Campaign Finance Disclosure Act; mandatory electronic filing of reports. Requires General Assembly candidates, who receive more than \$10,000 in contributions, to file campaign finance reports electronically in accordance with State Board of Elections standards; and requires political committees (including PACs and political party committees subject to the Act's reporting requirements) that receive more than \$25,000 in contributions to file campaign finance reports electronically in accordance with State Board of Elections standards. This proposal incorporates recommendations of the Joint Subcommittee Studying Campaign Finance Reform pursuant to SJR 393 (2001).

Patron - Jones, S.C.

FHB2195 Campaign Finance Disclosure Act; record retention requirements and reviews of campaign finance disclosure reports. Provides that (i) the State Board of Elections shall review the campaign finance reports of candidates for Governor, Lieutenant Governor, Attorney General and 10 percent of the candidates for the General Assembly selected at random; (ii) the review shall be for the purposes of (a) reconciling the balance in the campaign depository with the amounts reported in the candidate's reports of receipts and expenditures and (b) reviewing the reports for mathematical accuracy and facial completeness including the reporting of specific information required by law; (iii) the Board shall meet publicly to select by a random drawing the General Assembly candidate campaigns to review; (iv) a campaign committee shall be exempt from review if it has received less than \$25,000 in contributions; and (v) the campaign treasurer shall retain, and provide on request by the Board, the bank statements and copies of checks issued on campaign depositories and receipts for campaign fund expenditures greater than \$500. The bill will take effect July 1, 2004. This proposal was a recommendation

of the Joint Subcommittee Studying Campaign Finance Reform pursuant to SJR 393 (2001).

Patron - Jones, S.C.

FHB2199 Absentee ballot procedures; verification of voter's signature. Requires the electoral board member or general registrar who receives an absentee ballot to compare the signature of the voter on the sealed absentee ballot envelope with his signature on his voter registration application on file with the registrar. If the board member or registrar finds that the signatures are reasonably comparable, the ballot is processed. If the board member or registrar finds that the signatures are not reasonably comparable, the envelope and ballot are held for review by the electoral board at its meeting to review conditional ballots on the day after the election. If the board finds that the signatures are reasonably comparable, the ballot is counted. If the board finds that the signatures are not reasonably comparable, the ballot is not counted, the voter is notified, and the attorney for the Commonwealth is notified.

Patron - Jones, S.C.

FHB2200 Voter registration cards. Directs the State Board of Elections, by July 1, 2005, to develop and provide to every registered voter with active status on the Virginia voter registration system a new voter identification card that will contain the voter's picture, signature, and other appropriate information.

Patron - Jones, S.C.

FHB2240 House of Delegates districts. Makes technical adjustments in the House of Delegates lines dividing Caroline County among the Fifty-fourth, Ninety-seventh, and Ninety-ninth Districts in order to have the House lines coincide with the County's new magisterial district and precinct lines. The split precincts named in the bill are 2000 census precincts that technically must be split in order to pick up the new precinct lines. The adjustments shift 271 total population from the Fifty-fourth to the Ninety-seventh, 87 total population from the Fifty-fourth to the Ninety-ninth, and 44 total population from the Ninety-seventh to the Ninety-ninth. The respective district population deviations remain within the plus or minus 2.0 percent population deviation used in the 2001 redistricting. This bill is incorporated into HB 2197.

Patron - Pollard

FHB2337 Voter registration; indication of political party affiliation. Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to July 1, 2003, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except the 28 days before an election when the registration records are closed. The bill does not change Virginia's present primary laws, and all registered voters remain eligible to participate in the primaries of any political party.

Patron - Reese

FHB2350 Hours that polls are open for voting. Adds one hour to the time that the polls are open for voting by moving the closing time from 7:00 p.m. to 8:00 p.m. The bill also makes conforming changes to absentee voting laws.

Patron - Hull

FHB2382 Redistricting commission and process. Establishes a redistricting commission to prepare state legislative and congressional redistricting plans; spells out standards for developing plans; and provides for General Assembly

action on plans submitted by the commission. This bill is identical to SB 872.

Patron - Moran

FHB2464 Basic requirements for political campaign advertisements. Modifies the size requirement for the disclosure statement that must be printed on "print media" political campaign advertisements under the "Stand by Your Ad" law enacted in 2002. The law as enacted requires that the disclosure statement must constitute five percent of the height of the printed space in any "print media" advertisement. The bill provides that the disclosure statement shall be in a font at least 12-point size for print media 11 inches by 14 inches or smaller and five percent of the height for larger print media items. The size measure applies to one page, fold, or face on multiple page, fold, or face items. The bill also exempts novelty items such as pens, buttons, and balloons from the disclosure statement requirement. This bill is incorporated into HB 1586.

Patron - O'Bannon

FHB2566 Announcement of results in presidential elections. Prohibits election officials and persons present in the polling place to observe the ascertainment of the results from making any public announcement of precinct results in a presidential election until the polls are closed in the 48 contiguous states and the District of Columbia. A violation of the prohibition is a Class 3 misdemeanor. The bill's provisions will expire July 1, 2004, unless approximately two-thirds of the states and of the population east of the Mississippi River have passed a like prohibition.

Patron - Scott

FHB2584 House of Delegates districts. Makes technical adjustments in the boundary between the Tenth and Fourteenth Districts within Henry County in order to conform the House line to the new county election district lines and the new Fontaine Precinct line and eliminate splits of the election district and precinct. (Because the House Districts are described in terms of 2000 voting precincts, the bill refers to a split of the Fontaine Precinct, meaning the old precinct.) A shift of 346 total population from the Fourteenth to the Tenth District creates a population deviation of plus two and one-half percent for the Tenth District, exceeding the 2.0 percent deviation followed in the 2001 redistricting.

Patron - Armstrong

FHB2643 House of Delegates districts. Makes a technical adjustment in the House of Delegates line dividing Prince William County between the Thirteenth and Thirty-first Districts in order to have the House line coincide with the County's true precinct lines and eliminate a split precinct. The split Park Precinct named in the bill is a 2000 census "pseudo" or adjusted precinct that technically must be split in order to pick up the true precinct line. However, the County's precinct line does not follow a census block boundary. The County estimates that 260 population would shift from the Thirty-first to the Thirteenth District; the exact number cannot be determined because of the split census block. If the County's estimate is correct, both districts would remain within the plus or minus 2.0 percent population deviation used in the 2001 redistricting. This would be the only instance in which the state legislative district lines split a census block rather than follow block boundaries.

Patron - Marshall, R.G.

FHB2739 Instant runoff voting to elect candidates to office. Implements the instant runoff voting method of determining winners in elections. The method produces a majority winner in a single election by simulating a series of runoff elec-

tions. All first choices are counted, and if any candidate receives a majority of first choices, that candidate is elected. If no candidate receives a majority, the candidate with the fewest votes is eliminated, and all ballots are recounted as one vote for each voter's highest-ranked candidate who has not been eliminated. The process of eliminating candidates and recounting ballots continues until one candidate receives a majority.

Patron - Barlow

FSB769 Party designations on the ballot. Extends to local elections, other than school board and soil and water conservation district elections, the identification of candidates by party name on the ballot. Current law provides for party identification of candidates on ballots only for federal, statewide, and General Assembly elections. The bill also allows any locality to provide by charter or by ordinance for nonpartisan elections for the governing body without any party identification on the ballot for governing body candidates. The bill explicitly provides that an endorsement by a political party of a candidate who qualifies for the ballot through the petition process is not grounds for identifying that candidate by the party's name. This bill is identical to HB 1405.

Patron - Cuccinelli

FSB793 Pollbooks and precinct registered voter lists. Implements the program to merge the pollbook and precinct registered voter list into a single document, the "pollbook." Following a number of successful pilot projects to test a merged list, Chapters 66 and 216 of the 2002 Acts of Assembly provided that the precinct registered voter list (showing who is registered to vote) and the pollbook (showing who has voted) would be merged for elections held on and after July 1, 2003. The Acts also directed the State Board of Elections to prepare legislation to accomplish a permanent merger of these lists. The bill incorporates this legislation, allows the pollbook to be in a paper or electronic format, and authorizes additional pilot programs to test electronic pollbooks. This bill is incorporated into SB 1107.

Patron - Miller, K.G.

FSB872 Redistricting commission and process. Establishes a redistricting commission to prepare state legislative and congressional redistricting plans; spells out standards for developing plans; and provides for General Assembly action on plans submitted by the commission. This bill is identical to HB 2382.

Patron - Deeds

FSB902 Senatorial and House of Delegates districts. Makes technical adjustments in certain Senatorial and House of Delegates districts within the Cities of Franklin and Hopewell in order to follow new City ward and precinct lines. The Thirteenth, Sixteenth, and Eighteenth Senatorial districts and the Sixty-second, Sixty-fourth, Seventy-fourth, and Seventy-fifth House of Delegates districts are affected. Each district remains within the 2.0 percent population deviation standard followed in the 2001 redistricting. Since the Code of Virginia describes districts in terms of 2000 census precincts, the bill refers to splits of several of the 2000 census precincts. These splits are technically necessary in order to move Senatorial and House of Delegates lines to the new precinct lines.

Patron - Quayle

FSB937 Effective date of decennial redistricting measures; elections following decennial redistricting. Provides (i) that decennial redistricting measures for congressional, General Assembly, and local districts are to be implemented for the first general election for the office following enactment of the redistricting measure; (ii) that members in office when the redistricting measure is enacted continue in

office, complete their terms of office, and continue to represent the district from which they were elected; and (iii) that a vacancy in the office will be filled from the district as it existed when the member whose vacancy is being filled was last elected to office.

Patron - Edwards

FSB1059 Effective date of decennial redistricting measures; elections following decennial redistricting. Provides (i) that decennial redistricting measures for congressional, General Assembly, and local districts are to be implemented for the first general election for the office following enactment of the redistricting measure; (ii) that members in office when the redistricting measure is enacted continue in office, complete their terms of office, and continue to represent the district from which they were elected; and (iii) that a vacancy in the office will be filled from the district as it existed when the member whose vacancy is being filled was last elected to office.

Patron - O'Brien

FSB1237 Senatorial districts. Makes technical adjustments in the boundary between the Nineteenth and Twenty-third Districts in Campbell County in order to conform to the County's new election district and precinct lines. The adjustment places the Nineteenth District at 2.4 percent population deviation, greater than the 2.0 percent deviation used in the 2001 redistricting.

Patron - Hawkins

FSB1252 State Board of Elections; powers and duties; removal of local election officials. Provides (i) for 10 days' written notice and a hearing by the State Board to remove a registrar from office, (ii) for five days' written notice and a hearing to remove an electoral board member, registrar, or other election official from office because of disqualification on constitutional or statutory grounds, including failure to relinquish an incompatible office, (iii) for an immediate hearing if necessary to avoid irreparable harm to a pending election, and (iv) for an appeal by the removed party by petition to the City of Richmond Circuit Court. The bill also amends the law on court proceedings for removal of electoral board members to refer to the State Board's authority to initiate proceedings and to require removal on proof by "clear and convincing evidence of the member's failure to discharge the duties of his office in accordance with law." This bill is identical to HB 2126.

Patron - Bolling

FSB1286 Absentee voting by students attending Virginia universities, colleges, and community colleges. Authorizes the State Board of Elections to conduct a pilot program for voting absentee through the Internet for students attending Virginia universities, colleges, and community colleges who are qualified to vote in Virginia. The program will be conducted in those localities whose electoral boards choose to participate. The application will be the usual absentee ballot application with the addition of space for the student's e-mail address. The application may be filed on line with the local general registrar's office. The program will provide that the absentee ballot and instructions for creating the requisite envelopes to seal the ballot and return it by mail will be forwarded to the student by e-mail. The student must complete the ballot and return it by mail in compliance with current law provisions. This pilot program extends a program established by the State Board for certain military and overseas voters to receive absentee ballots through the Internet.

Patron - Norment

Eminent Domain

Passed

PSB995 Eminent domain; copy of title report. Requires any condemnor to provide to property owners a copy of the report of status of title prepared in connection with the acquisition of property. The condemnor is required to conduct a title examination of the property prior to making an offer to acquire it. If the Commonwealth Transportation Commissioner is the condemnor, the owner is currently entitled to receive a copy of the title report.

Patron - Mims

PSB1007 Recodification of Title 25; eminent domain; condemnation. Recodifies Title 25 as Title 25.1. In accordance with § 30-152, the Virginia Code Commission, in 2002, undertook the recodification of Title 25. Title 25 establishes the general procedure pursuant to which authorized entities exercise the power to acquire property pursuant to the exercise of the power of eminent domain. Title 25 has not been recodified since the adoption of the Code of Virginia of 1950. The Virginia Code Commission has rewritten and combined sections or parts of sections to clarify provisions and to eliminate archaic, obsolete or redundant language. Additionally, certain substantive changes are made, many of which reflect current practices or eliminate inconsistencies between provisions. Title 25.1 consists of four chapters. Chapter 1 contains general provisions applicable to the entire title, including certain definitions. Chapter 2 sets forth the general eminent domain procedure. Chapter 3 establishes in this title a "quick-take" procedure, under which defeasible title vests in the condemnor upon the filing of a certificate or the deposit of funds with the court. This procedure is based on one in Title 33.1. Currently, several types of condemnors are authorized to use the process to be followed by the Commonwealth Transportation Commissioner, and the Code Commission concurred that a better course was to establish a separate provision in Title 25.1 to be followed by those entities that now can use such process. Chapter 4 sets out statutory provisions that generally comport with the federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1972. Existing Chapter 2 of Title 25, which deals with the acquisition of waterworks systems by local governments, is relocated to Title 15.2. Changes to the Commonwealth Transportation Commissioner's "quick-take" procedure incorporate clarifying and technical changes that are reflected in the parallel provision in proposed Chapter 3 of Title 25.1.

Patron - Mims

Fiduciaries Generally

Passed

PHB1919 Failure to file inventory. Requires a commissioner of accounts to report to the Virginia State Bar any fiduciary who is also an attorney and who fails to file a proper inventory or account of a foreclosure after being summonsed to do so. This is consistent with the current obligation of a commissioner to report a fiduciary who is also an attorney and who does not file a proper account for an estate, trust, guardianship, or conservatorship. The bill also updates language in § 26-20. This bill is a recommendation of the Judicial Council.

Patron - Almand

PHB1920 Commissioners of accounts. Requires that a commissioner of accounts, deputy commissioner of accounts and assistant commissioner of accounts be an attorney. The Judicial Council, which recommended this bill, is not aware of any persons currently holding such positions who are not attorneys.

Patron - Almand

PHB2096 Commissioner of accounts; vouchers and statement of assets. Provides that when a fiduciary seeks to use a check as a voucher or receipt, a copy of the front side of the check and the periodic statement from the financial institution showing the check number and amount that coincides with the copy shall be sufficient evidence, in lieu of a copy of both sides of the check showing that it has been negotiated, provided the copy meets the requirements of the exception to the best evidence rule in § 8.01-391. The bill also allows the commissioner of accounts to require a fiduciary to exhibit the original check or proper voucher for a specific payment or for distributions to beneficiaries or distributees.

Patron - Joannou

Failed

FHB1380 Fees of commissioners of accounts. Provides for the refund or crediting of the amount of any overpayment of a fee paid to a commissioner of accounts.

Patron - Janis

FHB1979 Fiduciaries; legal investments. Limits the use of the legal list of investments, which affords the fiduciary immunity from the "prudent investor rule," to those funds within a trust or an estate with an actual value of not more than \$100,000. A delayed effective date is proposed to give fiduciaries time to modify investment approaches.

Patron - Athey

Fire Protection

Failed

FHB2573 Disability benefits; firefighters. Requires localities to provide cost of living adjustments to firefighters' disability allowances.

Patron - Darner

Fisheries and Habitat of the Tidal Waters

Passed

PHB1504 Harvesting of oysters from private oyster beds. Allows Virginia Marine Resources Commission to grant a special exemption to allow harvesting of oysters from private oyster beds one hour, prior to sunrise from June 15 to September 1, with 24 hours notice. Currently, oysters may be harvested from sunrise to sunset, except on Sunday.

Patron - Pollard

PHB1661 Private piers. Establishes size specifications for the Virginia Marine Resources Commission private pier permit exemption. No permit will be required if (i) the

piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers, (ii) the piers do not exceed six feet in width, (iii) any L or T head construction at the end of a pier does not exceed 25 feet in length and six feet in width, and (iv) the piers are determined not to be a navigational hazard by the Commission.

Patron - Pollard

PHB2239 Haul seine nets. Changes the definition of a haul seine net. The current definition is ambiguous and has resulted in confusion in the proper setting and use of the gear. It has also forced haul seiners to work in shallow waters where submerged aquatic vegetation (SAV) beds are located. Changing the definition will allow the Virginia Marine Resources Commission to prepare a haul seine fishery management plan that recognizes a more appropriate use of the gear, which will minimize the impact of the net on the SAV beds.

Patron - Pollard

PSB786 Admittance, parking and use at Department-owned facilities; penalty. Allows the Department of Game and Inland Fisheries to establish admittance, parking, or other use fees at Department-owned facilities. Any daily fee established by regulation cannot exceed three dollars; any annual fee cannot exceed the cost of an annual state resident fishing or hunting lounge. Such fees will not be assessed for the use of Department-owned boat ramps. Anyone violating this section may be assessed a civil penalty of \$50 by the Department, to be paid into the Game Protection Fund. Any person 16 years old or younger, or any person holding a valid hunting, trapping, or fishing permit, or a current certificate of boat registration issued by the Department does not have to pay these fees.

Patron - Deeds

PSB1186 State water safety zones and restricted areas; penalty. Allows the Virginia Marine Resources Commission after consultation with the U.S. Coast Guard and U.S. Corps of Engineers to establish, by regulation, state water safety zones or restricted areas in the tidal waters of the Commonwealth wherein public access shall be restricted or prohibited in the interest of public safety. Such zones or areas shall be consistent with federal law and become effective immediately upon establishment by the Commission. The regulations are exempted from the Administrative Process Act, and shall be enforced by the Virginia Marine Police. In times of official state or national emergency, the Governor is authorized to adjust the boundaries of safety zones or restricted areas by executive order. Violations of these regulations are Class 1 misdemeanors. This bill has an emergency clause.

Patron - Wagner

Failed

FHB1490 Fishing Class II guide license. Creates a fishing Class II guide license for owners of recreational headboats or charterboats, and includes fees and other requirements for obtaining such a license. An applicant for a Class II guide license must complete an apprenticeship program under a captain holding a Virginia guide license. An identical bill passed into law in 2002, except it contained a reenactment clause for the 2003 Session of the General Assembly in order for it to take effect.

Patron - Pollard

FHB2154 Virginia Department of Game and Marine Resources; established. Combines the Department of Game and Inland Fisheries and the Virginia Marine Resources

Commission to form the Virginia Department of Game and Marine Resources. Existing regulations are to remain in effect until the new agency amends such regulations.

Patron - Hamilton

FSB917 License fees for commercial and recreational saltwater fisheries. Increases the annual license fees for: registering a commercial fisherman from \$150 to \$175; a saltwater recreational fishing license from \$7.50 to \$12.50; and registering a recreational boat used for saltwater recreational fishing from \$30 to \$50. This bill also raises the temporary license fee from \$5 to \$10.

Patron - Wampler

FSB961 Protection of certain female crabs; penalty. Makes it unlawful to catch, possess, or sell an egg-bearing female crab or a female crab from which the egg pouch, sponge, or bunion has been removed. This restriction only applies for 14 working days between July 1 and August 15 each year. Annually and at least 30 days prior to the first day of the crab harvesting season, the Virginia Marine Resources Commission shall determine by regulation the specific restriction days. Violations shall be punishable by a Class 4 misdemeanor.

Patron - Chichester

Game, Inland Fisheries and Boating

Passed

PHB1481 Waterfowl sanctuaries and blinds. The bill repeals an Act of Assembly that established wildlife sanctuary in areas of what was then Princess Anne County and now is Virginia Beach. This local act is no longer needed because Virginia Beach has adopted an ordinance that prevents hunting in these areas. The bill also repeals the authority of Accomack and Northampton Counties to issue duck blind stamps.

Patron - Cox

PHB1491 Use of rifles in King George County. Repeals the law that prohibits an individual from hunting any wild bird or animal in King George County with a rifle capable of shooting any cartridge more powerful than commercially loaded .22 caliber rifle cartridges.

Patron - Pollard

PHB1525 Waterway "pass-through" zones; local ordinances; penalties. Allows localities, after notifying the Department of Game and Inland Fisheries, to enact ordinances establishing "pass-through" zones in portions of waterways within their territorial limits where watercraft traffic congestion routinely poses a significant safety risk to persons in the designated area. The ordinance must require watercraft operators to maintain reasonable and safe speeds and must prohibit them from anchoring, loitering or engaging in recreational activities while in such zone. The locality must clearly mark pass-through zones with buoys or other markers, and may provide for enforcement and penalties not exceeding a Class 4 misdemeanor.

Patron - Purkey

PHB1526 Personal watercraft; local ordinances; penalty. Allows the City of Virginia Beach, by population bracket, to enact ordinances establishing minimum distances from the shoreline that personal watercraft may be operated in

excess of the slowest possible speed required to maintain steerage and headway. Such distances shall be at 100 feet from the shoreline and 200 feet from swimmers in ocean waters. The bill provides for local enforcement and penalties not to exceed Class 4 misdemeanors.

Patron - Purkey

PHB1663 Nonresident hunting fees. Increases fees for a nonresident statewide hunting license from \$60 to \$80 and increases three-day nonresident hunting licenses from \$30 to \$40.

Patron - Pollard

PHB1765 Deer kill permit. Authorizes the Director of the Department of Game and Inland Fisheries to issue a deer kill permit to landowners whose residential plants have been damaged by deer. The Director may charge a permit fee not to exceed the actual costs.

Patron - Nutter

PHB1874 Voluntary contributions by hunters. Directs the Department of Game and Inland Fisheries to allow persons, when they purchase hunting licenses and permits, to voluntarily contribute two dollars to Hunters For The Hungry. This bill is identical SB 808.

Patron - Thomas

PHB2113 Authorization to kill deer or bear. Prohibits a person who has been convicted of violating any hunting or trapping law or regulation from being designated as a shooter authorized to kill deer or bear found damaging fruit trees, crops, livestock, or personal property or creating a hazard to aircraft or motor vehicles. The Director of the Department of Game and Inland Fisheries shall impose this restriction for at least two and up to five years after the applicant's most recent conviction, depending upon the nature and severity of recent and past violations. No person shall be authorized as the shooter during a period of license suspension or revocation. Currently, any person found guilty of violating any provision of Title 29.1, Game, Inland Fisheries and Boating, is forever prohibited from being an authorized shooter.

Patron - Barlow

PHB2157 Damage stamp program. Allows property owners to collect funds from the Damage Stamp Program to compensate them for damage to their crops, fruit trees, commercially grown Christmas trees, nursery stock, livestock, or farm equipment caused by elk. Currently, funds are made available to property owners whose land has been damaged by either deer or bear. The bill reduces the percentage of damage stamp funds that a local government can expend for firefighting and volunteer rescue squad operations from 50 to 25 percent.

Patron - Phillips

PHB2419 Lifetime trapping license. Establishes a special lifetime trapping license for residents age 65 or over. The fee for the license is \$10.

Patron - Nixon

PHB2752 Nonindigenous Aquatic Nuisance Species Act. Creates the Nonindigenous Aquatic Nuisance Species Act within the Department of Game and Inland Fisheries. This bill declares the zebra mussel, the quagga mussel, and northern snakehead fish as nonindigenous aquatic nuisance species. This bill authorizes the Board of Game and Inland Fisheries to declare other nonindigenous aquatic nuisance species if it finds that the presence of such nonindigenous aquatic species in state waters poses or is likely to pose a significant threat of harm. This bill makes it illegal to knowingly import, possess, transport, sell, purchase, give, receive, or introduce into state waters,

any nonindigenous aquatic nuisance species without a permit from the Director. Permits may be issued for research by recognized academic institutions or government agencies upon receiving satisfactory assurance that adequate safeguards will be maintained to prevent the escape or introduction of any such species into state waters. Any person who violates this Article or who knowingly obstructs the Director in carrying out his duties, shall (i) be subject to a civil penalty of not more than \$25,000, and (ii) be liable for the costs of investigation, control, and eradication incurred by any state agency or local government of the Commonwealth as a result of such unlawful conduct. This bill contains an emergency clause and incorporates HB 2814.

Patron - Plum

PSB726 Sale of hunting and fishing licenses. Relieves a clerk of a circuit court from the responsibility of selling hunting and fishing licenses if the Board of Game and Inland Fisheries has designated an agent to sell hunting and fishing licenses in the county or city in which the clerk is located. Currently, it is within the discretion of the Board whether to relieve the clerk from the responsibility of selling such licenses.

Patron - Deeds

PSB808 Voluntary contributions by hunters. Directs the Department of Game and Inland Fisheries to allow persons, when they purchase hunting licenses and permits, to voluntarily contribute two dollars to Hunters For The Hungry. This bill is identical to HB 1874.

Patron - Stolle

Failed

FHB1660 Personal flotation devices required for children; civil penalty. Requires all children under the age of seven to wear a Type I, II, III, or Type V U.S. Coast Guard-approved personal flotation device on recreational vehicles under 21 feet in length. The Director of Game and Inland Fisheries shall assess any recreational vessel operator who violates or permits the violation of this provision a civil penalty of up to \$250. All penalties collected are to be paid to the Motorboat and Water Safety Fund of the Game Protection Fund. The bill does not apply to a recreational vessel that is moored or anchored, or to children below deck or in an enclosed cabin. The bill defines "recreational vessel" as a vessel manufactured or operated for leisure or recreational purposes, or a vessel leased, rented or chartered for noncommercial use. "Recreational vessel" includes motorboats, sailboats, canoes, kayaks, rowboats, and any other vessel capable of being used for transportation on water, when the vessel is being used for other than commercial purposes.

Patron - Wardrup

FHB1901 Damage stamp program. Allows property owners to collect funds from the Damage Stamp Program to compensate them for damage to their crops, fruit trees, commercially grown Christmas trees, nursery stock, livestock, or farm equipment caused by elk. Currently, funds are made available to property owners whose land has been damaged by either deer or bear.

Patron - Stump

FHB1996 Recreational boat freshwater fishing license. Establishes a recreational boat freshwater fishing license. Any Virginia resident owner or operator of a recreational boat used for inland waters recreational fishing may purchase this license, which covers himself and his resident passengers while fishing from such boat, in lieu of the other

fishing license requirements. The license costs \$50 a year per boat. If the owner or operator of the boat does not purchase this license, then individuals on the boat are required to purchase a fishing license as otherwise required by law. A recreational boat freshwater fishing license does not apply to designated waters stocked with trout, in waters where the Department imposes a daily fishing fee, or to nonresidents.

Patron - Ware

FHB2103 Privilege to hunt or trap. Adds suspension or revocation of hunting or trapping privileges to all sections of the Code where hunting or trapping licenses may be suspended or revoked by the court or by the Department of Game and Inland Fisheries. The purpose of this bill is to remove the existing "loophole" that allows people to hunt or trap on land they own, even if their hunting or trapping licenses have been suspended or revoked for violations of law.

Patron - Hogan

FHB2814 Nonindigenous Aquatic Nuisance Species Act. Creates the Nonindigenous Aquatic Nuisance Species Act within the Department of Game and Inland Fisheries. This bill declares the zebra mussel and northern snakehead fish as nonindigenous aquatic nuisance species. This bill authorizes the Board of Game and Inland Fisheries to declare other nonindigenous aquatic nuisance species if it finds that the presence of such nonindigenous aquatic species in state waters poses or is likely to pose a significant threat of harm. This bill makes it illegal to knowingly import, possess, transport, sell, purchase, give, receive, or introduce into state waters, any nonindigenous aquatic nuisance species without a permit from the Director. Permits may be issued for research by recognized academic institutions or government agencies upon receiving satisfactory assurance that adequate safeguards will be maintained to prevent the escape or introduction of any such species into state waters. Any person who violates this Article or who knowingly obstructs the Director in carrying out his duties, shall (i) be subject to a civil penalty of not more than \$25,000, and (ii) be liable for the costs of investigation, control, and eradication incurred by any state agency or local government of the Commonwealth as a result of such unlawful conduct. This bill is incorporated into HB 2752.

Patron - Scott

FSB760 Personal watercraft education course. Requires all owners or operators of personal watercraft to successfully complete a boating safety education course approved by the Director of the Department of Game and Inland Fisheries or an equivalent course in another state or country. Currently this is only required of operators 14 or 15 years old, and of all persons renting personal watercraft to others.

Patron - Wampler

FSB1120 Personal flotation devices required for children; civil penalty. Requires all children under the age of seven to wear a Type I, II, III, or Type V U.S. Coast Guard-approved personal flotation device on recreational vehicles under 21 feet in length. The Director of Game and Inland Fisheries shall assess any recreational vessel operator who violates or permits the violation of this provision a civil penalty of up to \$250. All penalties collected are to be paid to the Motorboat and Water Safety Fund of the Game Protection Fund. The bill does not apply to a recreational vessel that is moored or anchored, or to children below deck or in an enclosed cabin. The bill defines "recreational vessel" as a vessel manufactured or operated for leisure or recreational purposes, or a vessel leased, rented or chartered for noncommercial use. "Recreational vessel" includes motorboats, sailboats, canoes, kayaks, rowboats, and any other vessel capable of being used for trans-

portation on water, when the vessel is being used for other than commercial purposes.

Patron - Lucas

General Assembly

Passed

PHB1506 Capitol Hostesses. Changes the name of the Capitol Hostesses to the Capitol Tour Guides. The new name is intended to be gender neutral and inclusive of current staff.

Patron - Callahan

PHB1563 Capitol Police. Authorizes the Legislative Support Commission to assign the jurisdiction of any property of the Commonwealth to the Capitol Police. The jurisdiction of the Capitol Police is also clarified to include all property leased by the Commonwealth.

Patron - Callahan

PHB2471 Dr. Martin Luther King, Jr. Memorial Commission. Authorizes the Dr. Martin Luther King, Jr. Commission to seek, receive, and expend gifts, grants, donations, bequests, and other funds in connection with its duties as directed by the Joint Rules Committee. This bill also establishes the Dr. Martin Luther King, Jr. Fund into which gifts, grants, donations, and other funds obtained by the Commission will be deposited to provide financial support for its work, including private funds to support the King Living History and Public Policy Center, which is also established by this bill. The Commission is required by law to establish a memorial to Dr. King in the Commonwealth, which the Center fulfills. The Center, among other things, will (i) perform public policy analysis and scholarly inquiry and writing; (ii) acquire and preserve records, oral histories, and memorabilia documenting Dr. King's relationship with and impact on the Commonwealth; (iii) make the programs, activities, and resources of the Center available to public and private schools and the public; and (iv) provide support for undergraduate and graduate study at the participating public and private institutions of higher education that comprise the Center. In addition, the bill contains several technical amendments that conform the statute to the new legislative guidelines adopted by the Joint Rules Committee, and an emergency clause to allow the Commission to receive and expend pending donations and contributions. This bill is a recommendation of the Dr. Martin Luther King, Jr. Memorial Commission and is identical to SB 827.

Patron - Crittenden

PHB2507 Journals and documents of the Senate and House of Delegates. Removes the requirement for the binding of the Senate and House of Delegates documents. The bill also requires that persons eligible to receive copies of the House and Senate Journals must submit a written request for them. The number of copies of the Journals reserved for the Division of Legislative Automated Systems and The Library of Virginia has been changed to reflect the current practice and other controlling laws.

Patron - Griffith

PHB2515 General Assembly Conflicts of Interests Act; disclosure form. Requires disclosure by General Assembly members of certain relationships with lobbyists. The bill provides that such disclosure (i) does not constitute a waiver of the attorney-client or other privilege for third parties, (ii) require a waiver of any attorney-client or other privilege for a

third party, or (iii) is not necessary for nonfinancial indirect associations.

Patron - McDonnell

PHB2654 Ethics Advisory Panel. Provides that the Division of Legislative Services may assist the Panel during its preliminary investigation stage to save the need for outside counsel. Clarifies that the Panel must advise the complainant, if the complaint is disposed of during the preliminary investigatory stage.

Patron - Drake

PHB2666 Report of the Auditor of Public Accounts. Requires the Auditor of Public Accounts to report annually on all audits and oversight responsibilities performed for the most recently ended fiscal year to a joint meeting of the Senate Finance, House Finance and House Appropriations Committees on the same day that the Governor presents the Executive Budget to the General Assembly or at the direction of the respective chairman during an earlier scheduled committee meeting.

Patron - Welch

PHR28 Compensation of members of the House of Delegates. Provides for a voluntary reduction of 15 percent in compensation for members of the House of Delegates when attending interim meetings between adjournment sine die of the 2003 Regular Session of the General Assembly and the convening of the 2004 Regular Session.

Patron - Callahan

PHR39 Standards of conduct; House Rules 23 and 24. Directs the House Rules Committee to develop amendments for House Rules 23 and 24 relating to the standards of conduct of members of the House of Delegates. The amendments shall address the establishment and enforcement of a code of conduct for members of the House of Delegates, including procedures for the filing, investigation, and disposition of complaints of alleged violations of the code of conduct.

Patron - Drake

PSB827 Dr. Martin Luther King, Jr. Memorial Commission. Authorizes the Dr. Martin Luther King, Jr. Commission to seek, receive, and expend gifts, grants, donations, bequests, and other funds in connection with its duties, as directed by the Joint Rules Committee. This bill establishes the Dr. Martin Luther King, Jr. Fund into which gifts, grants, donations, and other funds obtained by the Commission will be deposited to provide financial support for its work, including private funds to support the King Living History and Public Policy Center, which is also established by this bill. The Commission is required by law to establish a memorial to Dr. King in the Commonwealth, which the Center fulfills. The Center, among other things, will (i) perform public policy analysis and scholarly inquiry and writing; (ii) acquire and preserve records, oral histories, and memorabilia documenting Dr. King's relationship with and impact on the Commonwealth; (iii) make the programs, activities, and resources of the Center available to public and private schools and the public; and (iv) provide support for undergraduate and graduate study at the participating public and private institutions of higher education that comprise the Center. In addition, the bill contains several technical amendments that conform the statute to the new legislative guidelines adopted by the Joint Rules Committee, and an emergency clause to allow the Commission to receive and expend pending donations and contributions. This bill is a recommendation of the Dr. Martin Luther King, Jr. Memorial Commission. This bill is identical to HB 2471.

Patron - Marsh

PSB889 Commission on Unemployment Compensation. Codifies the study of unemployment compensation, which has existed by resolution since 1977. The Commission shall have eight members, three from the Senate and five from the House, and staffing shall be provided by the Division of Legislative Services. The Commission shall have the power and duty to (i) evaluate the impact of existing statutes and proposed legislation on unemployment compensation and the Unemployment Trust Fund, (ii) assess the Commonwealth's unemployment compensation programs and examine ways to enhance effectiveness, (iii) monitor the current status and long-term projections for the Unemployment Trust Fund, and (iv) report annually its findings and recommendations to the Governor and the General Assembly.

Patron - Watkins

PSB1036 General Assembly; submission of reports and executive summaries. Establishes a recordkeeping system for reports required or requested by statute or resolution to be submitted to the legislative branch. For reports submitted only to the General Assembly, the Division of Legislative Automated Systems is designated as the recipient for the General Assembly. For reports submitted to specific persons or entities within the legislative branch, the reporting entity must submit a copy of the report to the Division. The reports to the Division must contain a separate executive summary and will be posted on the General Assembly's website.

Patron - Trumbo

PSB1253 Joint Commission on Health Care. Adds the responsibilities of the Joint Commission on Behavioral Health Care, which will sunset on July 1, 2003, to the Joint Commission on Health Care. To ensure continuity, the bill increases the membership of the Joint Commission on Health Care by two, adding one member of the House of Delegates and one member of the Senate who were previous members of the Joint Commission on Behavioral Health Care. The bill also provides for a special task force of the Commission to consider issues related to behavioral health care. Provisions relating to the membership, payment of the compensation and expenses, meetings, chairmanship, and reporting requirements have been modified to incorporate standardize language for legislative commissions as recommended in the legislative guidelines adopted by the Joint Rules Committee.

Patron - Martin

PSB1315 Clarifications for certain collegial bodies. Conforms certain collegial bodies on which legislative members serve to meet the legislative guidelines adopted by the Joint Rules Committees. These bodies include: the Virginia-Israel Advisory Board, the Special Advisory Commission on Mandated Health Insurance Benefits, the Virginia Advisory Commission on Intergovernmental Relations, the Council on Indians, the Virginia Military Advisory Council, Virginia War Memorial Foundation, the Southern States Energy Board, the Tobacco Indemnification and Community Revitalization Commission, the Virginia Land Conservation Board of Trustees, the Commission on the Virginia Alcohol Safety Action Program, the Child Support Guidelines Review Panel, the Education Commission of the States, the Western Virginia Public Education Consortium, the Virginia State Crime Commission, the Commission of Senate and Commission of House of Delegates on Interstate Cooperation, the Small Business Commission, the Legislative Transition Task Force and Consumer Advisory Board, the Virginia Office for Protection and Advocacy, the Virginia Roanoke River Basin Advisory Committee, the Roanoke River Basin Bi-State Commission, and the Tax Administration Delegation. The World Trade Alliance of the Blue Ridge is repealed due to inactivity.

Obsolete cross references to the Virginia Chesapeake Bay Partnership Council and the Virginia Council on Coordinating Prevention are removed from the Code because these entities were abolished in 2001. This bill is a recommendation of the year-long study by the Subcommittee on Legislative Guidelines of the Joint Rules Committee.

Patron - Trumbo

PSB1343 Attendance of witnesses before and production of evidence to certain legislative bodies. Provides that the chief officer of the Virginia Capitol Police may serve process for compelling (i) witnesses for appearance before or (ii) documents to be produced to, the Senate or House of Delegates or committees or commissions thereof.

Patron - Stolle

PSR25 Senate Rules changes. Removes the requirement that engrossed legislation must be printed on separate color paper; corrects references to the obsolete Title 2.1; and requires the majority of each house on conference committees to approve the conference report before the Senate considers the report. Under the current Rules of the Senate, only a majority of the conferees is necessary to approve the conference report. The House of Delegates amended its Rules in 2002 to make this change.

Patron - Trumbo

Failed

FHB1707 Virginia Housing Development Authority Review Commission; report. Creates the Virginia Housing Development Authority Review Commission in the legislative branch of state government to conduct an annual review of the operations of the Virginia Housing Development Authority.

Patron - Purkey

FHB1947 Joint Legislative Audit and Review Commission; term of appointment of director. Changes the term of the director of Joint Legislative Audit and Review Commission from six years to two years.

Patron - Drake

FHB1959 General Assembly; consolidation of commissions. Consolidates the Joint Commission on Health Care, the Joint Commission on Behavioral Health Care, and the Virginia Commission on Youth into a new legislative commission titled the Commission on Youth, Family Services, and Health Care. The new legislative commission retains the responsibilities of each commission for a coordinated approach in the study of the delivery of youth, family services, and health care services to the citizens of the Commonwealth. Term limits of members have been removed and the act expires on July 1, 2007.

Patron - Hamilton

FHB2100 General Assembly; sexual harassment. Establishes a sexual harassment policy for the members of the General Assembly and legislative branch employees. The bill sets forth procedures for filing complaints, conducting investigations, and taking appropriate disciplinary actions.

Patron - Baskerville

FHB2134 General Assembly; office allowances. Changes the nonvouchered office expense allowance arrangement for members of the General Assembly to an accountable plan within the meaning of the Internal Revenue Code regulations. Members are required to substantiate their business expenditures on a quarterly basis and return any amount in excess of the substantiated expenses. The bill also provides a

separate office equipment allowance not to exceed \$2,000 during a two-year period. Members are required to submit a voucher and accompanying receipts prior to receiving payment for equipment expenses. The Clerk of the House of Delegates and the Clerk of the Senate, under the direction of their respective Rules Committee, are required to establish a policy in their houses regarding the transfer of office equipment purchased with the allowance to the Commonwealth when the equipment falls into disuse or the member leaves office.

Patron - Brink

FHB2201 General Assembly; office allowance. Converts the nonvouchered office allowance paid to members of the General Assembly into an accountable plan within the meaning of the Internal Revenue Code regulations. Members will be required to substantiate their business expenses on a quarterly basis and return any amount in excess of the substantiated expenses.

Patron - Jones, S.C.

FHJ563 General Assembly; television coverage of legislative sessions. Endorses television coverage of the sessions of the House of Delegates and the Senate and its accessibility to public and private broadcasting interests for transmission to the citizens of the Commonwealth.

Patron - Petersen

FHJ639 Tax restructuring special session. Applies to the Governor to call a tax restructuring special session after adjournment of the 2003 Regular Session.

Patron - Crittenden

FHJ647 General Assembly; session coverage. Directs the Joint Rules Committee to adopt procedures governing live television coverage of the sessions of the House of Delegates and the Senate beginning with the 2004 Regular Session of the General Assembly.

Patron - Armstrong

FHR27 Complaints against members of the House of Delegates. Establishes a formal procedure for any citizen of the Commonwealth to bring a complaint against a member of the House of Delegates before the Committee on Privileges and Elections for conduct that does not reflect creditably on the House of Delegates. This is the standard of conduct members of the United States House of Representatives are held to by their respective body.

Patron - Marshall, R.G.

FHR29 Code of Conduct for members of the House of Delegates. Amends the Rules of the House of Delegates to require the Clerk, under the direction of the Subcommittee on the Standards of Conduct, to publish and distribute a Code of Conduct for members of the House of Delegates. In drafting and revising the Code of Conduct, the chairman of the Rules Committee must designate at least two members and two non-members of the majority caucus to serve as ad hoc members of the subcommittee. The Code of Conduct shall reflect the laws and regulations of the Commonwealth governing the professional conduct of employers and employees.

Patron - Marshall, R.G.

FHR30 House Rules; spending limits in the Budget Bill. Restricts the standing committees from reporting any appropriation bill that increases state spending by more than inflation plus the percentage change in the state population in the prior calendar year. In the event that actual revenues exceed expenditures for any fiscal year, the committee can only report

a bill that appropriates such excess for transportation and education.

Patron - Marshall, R.G.

FSB777 Restriction on unfunded local mandates. Provides that no law shall be enacted by the General Assembly that results in an unfunded net additional expenditure, as defined in § 30-19.03:1, by any county, city, or town.

Patron - Blevins

FSB948 Local Taxpayer Protection Act. Provides that any new program or mandate requiring a net additional expenditure by any locality shall not become effective unless an annual appropriation is made from the general fund to affected localities by the General Assembly at its next Session, such appropriation being sufficient to fund such program or mandate. However, notwithstanding such requirement, a new program or mandate requiring a net additional expenditure shall become effective if the General Assembly (i) passes such legislation with an emergency clause and provides an estimated amount to fund such mandate or program in the current budget, or (ii) affirmatively votes by a four-fifths vote to pass such legislation without sufficient funding. This bill does not apply to legislation that impacts traditional or constitutionally required local government responsibilities and functions.

Patron - Houck

FSB1089 Commission on the Future of Virginia's Environment. Establishes the Commission on the Future of Virginia's Environment as a permanent commission in the legislative branch. The purpose of the Commission is to continue to review, evaluate, and formulate recommendations concerning Virginia's environment and natural resources. The Commission will also monitor the implementation of its recommendations and create educational opportunities for the Commission's 15 legislative members to become familiar with environmental issues that may require legislative action.

Patron - Bolling

FSB1105 General Assembly; sexual harassment. Establishes a sexual harassment policy. The policy states that the General Assembly is committed to providing a work environment free from intimidation and coercion in any form, and sexual harassment is a form of intimidation and coercion and shall not be tolerated.

Patron - Whipple

FSB1268 General Assembly; office expense allowance. Changes the nonvouchered office expense allowance arrangement for members of the General Assembly to an accountable plan within the meaning of the Internal Revenue Code regulations. Members will be required to substantiate their business expenses on a quarterly basis and return any amount in excess of the substantiated expenses.

Patron - Cuccinelli

FSB1287 General Assembly; sworn testimony before legislative committees. Permits legislative committees and other legislative bodies comprised of General Assembly members to require sworn oral or written testimony. A person testifying before a committee may execute the oath or affirmation by signing a statement of truthfulness at each committee meeting. Persons who anticipate providing testimony at multiple committee meetings during a calendar year may file a single sworn statement with either the Clerk of Senate or Clerk of the House who shall issue a testimony card that may be presented during committee meetings. Persons who may administer oaths and affirmations before the houses and committees

has been revised to include the President pro tempore of the Senate and to remove committee clerks.

Patron - Wagner

FSB1352 **Television or other electronic signals generated by the Senate of Virginia.** Prohibits the use of certain video or audio signals generated by the Senate for political or commercial purposes, including campaigns for elective office and bond referenda. Specifically, the bill excludes certain nonprofit educational and public affairs programming pursuant to a written contract with the Senate and authorized unedited video feeds. A person who is convicted for a violation of these restrictions will be guilty of a Class 1 misdemeanor.

Patron - Trumbo

FSJ323 **Designating dates.** Places a one-year moratorium on the consideration of legislation that designates special days, weeks, months, and years and directs the Joint Rules Committee to develop guidelines on the designation and continued observance of such dates in the future. Each year legislation is introduced to recognize special dates previously designated by the General Assembly in perpetuity or proclaimed by the Governor or designated by the General Assembly for other times. Multiple and conflicting designations make it difficult for citizens to coordinate their commemorative activities to coincide with the Commonwealth's official date.

Patron - Trumbo

General Provisions of Virginia Code

Failed

FHB1633 **Opt-out provisions.** Declares the opt-out provisions that require some action by a person in order to avoid paying a fee are void in Virginia.

Patron - Cosgrove

FHB1849 **Taxes; include certain fees; rule of construction.** Provides, as a rule of construction, that the term "tax" when used in the Code of Virginia includes a monetary amount or fee that is charged by the Commonwealth or any agency thereof for a permit or application that must be submitted or granted to lawfully engage in a business activity.

Patron - Lingamfelter

Health

Passed

PHB1450 **Health; Certificate of Birth Resulting in Stillbirth.** Requires, upon the request of either individual listed as the mother or father on a report of fetal death in the Commonwealth, the issuance of a Certificate of Birth Resulting in Stillbirth for unintended, intrauterine fetal deaths occurring after a gestational period of 20 weeks or more. The requesting mother or father may provide a name for the stillborn child on the Certificate. The Board of Health is required to prescribe a reasonable fee to cover the administrative costs and preparation of the Certificate. This provision will apply retroactively to any circumstances that would have resulted in the issuance of a

Certificate of Birth Resulting in Stillbirth, as prescribed by the Board. This bill is identical to SB 1267.

Patron - Byron

PHB1524 **Reporting radioactive materials.** Requires immediate reporting to the State Departments of Health and Police when radioactive materials, including sources of ionizing radiation approved by the Federal Food and Drug Administration for the treatment of foods pursuant to the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.), cannot be accounted for within 24 hours. Authorizes the Department to share this information with the Department of Emergency Management, United States Nuclear Regulatory Commission, United States Food and Drug Administration, and state, local and federal law-enforcement agencies, as appropriate.

Patron - Purkey

PHB1535 **State Emergency Medical Services Advisory Board.** Clarifies the membership of the State Emergency Medical Services Advisory Board, provides that any person appointed to the Advisory Board must be a member of the organization or group that he represents, changes the name of the State Fire Chiefs Association to the Virginia Fire Chief's Association, and makes technical corrections. In addition, provisions pertaining to the compensation and reimbursement of members and staff support for the Advisory Board have been added, pursuant to the new legislative guidelines adopted by the Joint Rules Committee.

Patron - Cox

PHB1621 **Certificate of public need; regulations authorizing a single application for all proposed cancer care center services.** Requires the Board of Health to include in the radiation therapy batch, applications, either combined or separate, for computed tomographic (CT) scanning, magnetic resonance imaging (MRI), positron emission tomographic (PET) scanning, radiation therapy or nuclear imaging. A single application for a combination of radiation therapy and any or all of the other named services may be filed. This bill is identical to SB 1226.

Patron - Hamilton

PHB1685 **Medicaid; preadmission screening.** Allows a team of licensed physicians, nurses, and social workers to provide preadmission screening for clients of the Woodrow Wilson Rehabilitation Center for determination of need for nursing facility services. Currently, only the Departments of Health or Social Services or hospitals may perform this assessment. Woodrow Wilson Rehabilitation Center performed this function when it was designated as a hospital; however, it is licensed currently as a comprehensive outpatient rehabilitation facility and is, therefore, not recognized under law to do the assessment.

Patron - Landes

PHB1695 **Health; local health partnership authorities.** Extends the sunset provision from July 1, 2003, to July 1, 2006, for local health partnership authorities. The bill also would require any local health partnership authority to report on an annual basis any programmatic initiatives to the Joint Commission on Health Care. This bill is identical to SB 1068.

Patron - McQuigg

PHB1697 **Certified nursing facility education initiative.** Repeals the expiration date of July 1, 2003, that would have sunsetted this program; makes some technical or clarifying amendments; and declares the records, reports, and communications of any staff member, employee, consultant, or other person, acting on behalf of the nonprofit organization that

is contracted to conduct the nursing facility education initiative, to be privileged and not to be disclosed or obtained by legal discovery proceedings unless a circuit court, after a hearing and a showing of good cause arising from extraordinary circumstances, orders the disclosure. This declaration will not, however, provide any privilege for the records of the facilities with respect to any patient or any facts or information contained in the records or preclude or affect discovery of or production of evidence relating to the treatment of any patient by a health care provider. Technical amendments are also included.

Patron - McQuigg

PHB1718 Date and time of death. Provides that, when the date of death is unknown, it must be determined by approximation, taking into consideration all relevant information, including, but not limited to, information provided by the immediate family regarding the date and time that the deceased was last seen alive if the individual died in his home.

Patron - Johnson

PHB1743 Notification of cancer patients of reports to the statewide cancer registry. Revises the requirements for notification of cancer patients of reports to the statewide cancer registry that must currently be implemented by the Commissioner of Health to require the physician diagnosing a malignant tumor or cancer, at such time and in such manner as considered appropriate by the physician, to notify each patient whose name and record abstract is required to be reported to the cancer registry that personal identifying information about him has been included in the registry as required by law. This provision authorizes the physician to notify, when the notice would be, in the opinion of the physician, injurious to the patient's health or well being, the patient's authorized representative or next of kin in lieu of notifying the patient. In addition, upon request to the statewide cancer registry, the patient whose personal identifying information has been submitted to such registry has a right to know the identity of the reporter of his information to such registry. This bill is identical to SB 1010.

Patron - Byron

PHB1747 Certificate of public need; authorization of certain amendment. Authorizes, notwithstanding the provisions of the moratorium on nursing home bed construction/additions that was in effect until July 1, 1996, or the provisions of a previous authorization for amendments to the relevant certificate, the Commissioner of Health to accept and approve a request to amend the conditions of a certificate of public need issued as an exception to the former restriction on filing applications for nursing home bed projects. Many of the facilities provided exceptions to the moratorium, including the one that is the subject of this bill, and had strict conditions imposed by the law concerning acceptance of private pay patients directly into their nursing homes. This bill will authorize the facility to ask the Commissioner of Health for an amendment to its previous certificate of public need to continue, for three years from the issuance of an occupancy permit for the third-midrise residential unit building associated with such facility or until June 30, 2006, whichever occurs first, to admit persons, other than residents of the cooperative units, to its nursing facility beds. The facility must be (i) operated by an association described in § 55-458 (an association for the management of real estate cooperatives); (ii) created in connection with a real estate cooperative; and (iii) providing its residents a level of nursing services consistent with the definition of continuing care in Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 (a continuing care facility). This bill applies to one facility to which the original certificate of public need was issued prior to October 3, 1995.

Patron - Suit

PHB1756 Health; emergency services. Expands the State Emergency Medical Services Advisory Board by one member and adds a Virginia professional firefighter.

Patron - Amundson

PHB1814 Health; protection of complainants. Applies to hospitals the same confidentiality and protection already available in nursing facilities regarding complainants who in good faith complain or provide information to any entity having responsibility for protecting the rights of patients of hospitals.

Patron - Welch

PHB1822 Medicaid-Buy-In. Requires the Board of Medical Assistance Services to prepare and seek a § 1115 waiver to implement one of the options for a Medicaid Buy-In program for up to 200 working families with disabilities. Such option must be designed to provide working persons with disabilities, who, because of their higher earnings, were not eligible for medical assistance services in Virginia, with access to coverage under the Virginia medical assistance services program. The provision for a Medicaid Buy-In must provide such working persons with disabilities access to this comprehensive health care when they meet the Board's established income and resource or other eligibility criteria. Any Medicaid Buy-In Program for which a waiver is granted shall not become effective until an appropriation of moneys effectuating such benefits is included in a general appropriation and passed during a regular session of the General Assembly.

Patron - Morgan

PHB1823 Prescriptions for therapeutically equivalent drugs; Virginia Voluntary Formulary repealed. Repeals the Virginia Voluntary Formulary---the Commonwealth's generic drug statutes---and replaces these archaic requirements with Drug Control Act provisions relating to the prescribing and dispensing of "therapeutically equivalent" (generic) drug products. This bill updates the law relating to prescribing and dispensing generic drugs, but provides few changes in prescribing and dispensing requirements.

Patron - Morgan

PHB1860 Automated external defibrillators; public-access defibrillation. Eliminates the requirement for registration of automated external defibrillators by repealing § 32.1-111.14:1 and amends existing immunity provisions to be consistent with this deregulation of ownership and use of automated external defibrillators. The last subsection of the Good Samaritan statute (§ 8.01-225) is also amended to require that the public be urged to receive training on how to use cardiopulmonary resuscitation (CPR) and automated external defibrillators (AED) in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

In October 2002, the New England Journal of Medicine published a study of the use of automated external defibrillators by users with no prior training or duty to act in emergency situations. This study found that the untrained public can effectively use the automated external defibrillators. An automated external defibrillator is a medical device combining a heart monitor and a defibrillator that is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia and of determining, without intervention by an operator, whether defibrillation should be performed and, upon determining that defibrillation should be performed, automatically charging and requesting delivery of an electrical impulse to an individual's heart. These instruments have become so sophisticated and user-friendly that even young children have been reported as using them to successfully save lives.

Patron - O'Bannon

PHB1869 Medicaid; prohibited acts. Clarifies that exceptions provided in the federal anti-kickback law, i.e., the Medicare and Medicaid Patient Protection Act of 1987, as amended, and in the implementing regulations promulgated by the Secretary of Health and Human Services are also exceptions to Virginia's Medicaid self-referral statute. The federal law and regulations relate to Medicare and Medicaid reimbursable services and provide for criminal penalties for violations of its anti-kickback provisions. Numerous and complex exceptions, known as "safe harbors," are provided.

Patron - O'Bannon

PHB1961 Health; practice of midwifery. Repeals Article 4 (§ 32.1-145 et seq.) of Chapter 5 of Title 32.1 and amends § 54.1-2901 to eliminate the registration and permitting to practice midwifery of individuals who are not registered nurses and were registered and permitted to practice midwifery in compliance with this law prior to January 1, 1977.

Patron - Hamilton

PHB1972 Health; water quality analysis. Adds Warren and Goochland Counties to the list of localities that may, by ordinance, establish testing requirements for compliance with existing federal or state drinking water quality standards for building permit applicants that propose to use private ground water wells. This bill also authorizes any local governing body allowed to have such an ordinance that also has well abandonment ordinance to require property owners to close and cap abandoned or inactive wells pursuant to such ordinance.

Patron - Athey

PHB2013 The University of Virginia Medical Center; deemed licensure. Deems the University of Virginia Medical Center to be a licensed hospital for purposes of other law relating to the operation of hospitals licensed by the Board of Health, for so long as the Medical Center maintains its accreditation by the Joint Commission on Accreditation of Health Care Organizations or any successor in interest thereof. The Medical Center will not be deemed to be a licensed hospital to the extent any law relating to licensure of hospitals specifically excludes the Commonwealth or its agencies. As an agency of the Commonwealth, the Medical Center will remain exempt from licensure by the Board of Health and subject to the provisions of the Virginia Tort Claims Act. The bill states that deemed licensure must not be construed as a waiver of the Commonwealth's sovereign immunity.

Patron - Bell

PHB2106 Health; vital statistics. Deletes any statement as to racial designation from marriage and adoption records. Similar designations were removed from divorce records in the 2002 Session.

Patron - Van Landingham

PHB2183 Administering or dispensing of drugs; disaster or emergency. Permits the Commissioner to authorize unlicensed persons to administer or dispense drugs or devices in accordance with protocols established by the Commissioner when (i) the Governor has declared a disaster or a state of emergency caused by an act of terrorism or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. These persons shall administer or dispense all drugs or devices under the direction, control and supervision of the Commissioner. The

bill requires the Commissioner to develop protocols, in consultation with the Department of Health Professions, that address the required training of persons and procedures for them to use in administering or dispensing drugs or devices. Also, the bill creates an exception to the Drug Control Act for this purpose. Finally, the bill permits the Board of Pharmacy to waive certain requirements when the Governor has declared a disaster or a state of emergency and it is necessary to permit the provision of needed drugs, devices and pharmacy services to the citizens of the Commonwealth. This bill is a recommendation of the Secure Virginia Panel.

Patron - O'Bannon

PHB2225 Prescription assistance mechanisms. Creates a special, nonreverting fund to be known as the Healthy Lives Prescription Fund, under the auspices of the Secretary of Health and Human Resources, to accept appropriations, donations, grants, and in-kind contributions to develop and implement programs that will enhance current prescription programs for citizens of the Commonwealth who are without insurance or the ability to pay for prescription drugs and to develop innovative programs to make such prescription drugs more available. The Commissioner of Health must create links from the Department of Health's website to the Department for the Aging's website and its affiliated sites pertaining to pharmaceutical assistance programs and pharmaceutical discount purchasing cards. The Commissioner of the Department for the Aging must cooperate with the Commissioner of Health by ensuring that such information is available on the Department for the Aging's website. The Commissioner of Health must also ensure that all clinical sites administered by local health Departments are provided with adequate information concerning the services of the Virginia Department for the Aging, including, but not limited to, the toll-free telephone number and website information on pharmaceutical assistance programs and pharmaceutical discount purchasing cards. Both commissioners must coordinate the dissemination of information to the public regarding any pharmaceutical discount purchasing card programs while maintaining a neutral posture regarding such programs. The Commissioner of Health must establish a toll-free number to be administered by the Department of Health that will provide recorded information concerning services provided by the Department for the Aging, the Virginia Area Agencies on Aging, and other appropriate organizations for senior citizens. A second enactment clause requires the Joint Commission on Health Care or any successor in interest thereof to prepare a plan to establish the Health Lives Prescription Assistance Program to provide prescription drug benefits for low-income senior citizens and persons with disabilities, which must include consideration of the resources of both the public and private sectors. The plan will be prepared in cooperation with the Secretary of Health and Human Resources, the Virginia Health Care Foundation, pharmaceutical manufacturers, health care provider organizations, advocacy groups, and other interested parties. In preparing the plan, the Joint Commission on Health Care must review and incorporate, to the maximum extent possible, the conclusions of the Joint Commission on Prescription Drug Assistance. The plan must coordinate state, federal and private programs providing prescription assistance, including any programs the federal government may implement. The plan will be reported to the Governor and the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance, the House Committee on Health, Welfare and Institutions, and the Senate Committee on Education and Health by October 15, 2003. This bill is identical to SB 1341.

Patron - Cline

PHB2287 Children's health insurance. Establishes a program incorporating both Medicaid and the Family Access

to Medical Insurance Security (FAMIS) Plan in order to provide coordinated services to individuals defined as children in these programs. The Medicaid portion is named FAMIS Plus. The bill codifies practice by requiring the use of a single application to determine eligibility for both Medicaid coverage for children and FAMIS. Coverage for the mental health services currently provided for children enrolled in Medicaid is extended to individuals eligible for FAMIS. The bill reduces the waiting period from six to four months between the time that a child was covered by private health insurance and when eligibility for FAMIS can be established. [The cost-sharing requirements are amended to clarify that the annual aggregate cost-sharing for all eligible children in a family between 100 percent and at or below 150 percent of the federal poverty level will be limited to nominal copayments and the annual aggregate cost-sharing will not exceed 2.5 percent of the family's gross income. The nominal copayments for all eligible children in a family will not be less than those in effect on January 1, 2003.] This bill is identical to SB 1218.

Patron - Devolites

PHB2297 Children's health insurance through employer-sponsored health insurance programs. Changes the provision in FAMIS on minimum employer contribution from 50 percent towards the cost of dependent or family coverage for an employer's comprehensive health insurance program to be considered employer-sponsored health insurance (ESHI) to a percentage defined in the Virginia Plan for Title XXI of the Social Security Act. Under the current Family Access to Medical Insurance Security Plan, if a family chooses to participate in ESHI and ESHI is deemed cost-effective, the Department of Medical Assistance Services must contribute to the cost of ESHI for eligible dependent children for those program participants that have access to ESHI.

Patron - Devolites

PHB2300 Health; State Emergency Medical Services Advisory Board. Revises and clarifies the required and discretionary representation on the State Emergency Medical Services Advisory Board. The members of the Advisory Board are appointed by the Governor in accordance with this statute. Technical amendments are also provided.

Patron - Devolites

PHB2302 Administration of controlled substances by nurses. Provides that prescribers may authorize registered nurses or licensed practical nurses under the immediate and direct supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in accordance with policies and guidelines established by the Department of Health. The bill also provides that the State Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department, at the nurse's discretion, to possess and administer PPD to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department.

Patron - Devolites

PHB2310 Health; perinatal depression. Requires each licensed nurse midwife and hospital providing maternity care to make available to each patient and relevant family members information on postpartum blues and perinatal depression (formerly called postpartum depression) prior to discharge. This information will be discussed with the maternity patient.

Patron - Alexander

PHB2321 Health; radon testing. Requires that radon professionals conducting or offering radon screening, testing or mitigation must comply with the radon mitigation

and testing standards outlined in the Environmental Protection Agency's publication, EPA 402-R-93-078, as revised, or the American Society for Testing and Materials (ASTM International) Standard, E-2121-02, or any other radon testing and mitigation standards accepted by the Environmental Protection Agency and the Board of Health. The Environmental Protection Agency recognizes the ASTM Standard as equal to or exceeding its standards for radon testing or mitigation.

Patron - Plum

PHB2402 Nursing home, home care organization and hospice program criminal records checks. Expands the list of crimes that are barriers to employment in home care organizations and hospice programs to be consistent with the barrier crimes currently provided for employment in nursing homes and assisted living facilities.

Patron - Van Yahres

PHB2463 Patient health records privacy; subpoenas duces tecum; emergency. Revises the subpoena provisions in the patient records law to provide consistency between the existing Virginia provisions and federal regulations promulgated pursuant to the Health Insurance Portability and Accountability Act (HIPAA) of 1996 relating to standards for security and privacy of protected health information. This bill requires that the return date for a subpoena duces tecum will be 15 days unless a court or administrative agency directs an earlier day and that a motion to quash must be filed within 15 days of the notice to the patient or the provider. The language of the notice that must be given to providers acknowledges that the patient or the patient's counsel has received a copy of the subpoena; that either the patient or the provider has the right to file a motion to quash; and as HIPAA requires, that the provider must not respond to the subpoena until he has received written certification from the party on whose behalf the subpoena was issued that the time for filing a motion to quash has elapsed and that no motion was filed or any filed motion has been resolved and the disclosures are consistent with this resolution. As provided in present law, upon receiving a notice that the patient has filed a motion to quash or if the provider files such motion, the provider must send the records to the court or administrative agency in a sealed envelope with a cover letter stating that confidential health records are enclosed and are to be held pending the court's ruling on the motion to quash. The sealed envelope and the cover letter must be placed in an outer envelope or package for transmittal. Explicit instructions are provided for the resolutions of motions to quash in terms of the disposition of the records and the certification that must be given to the provider, as follows: full disclosure and no records submitted under seal to the court or administrative agency to be returned or, if the provider has not responded to the subpoena, that he must respond with the records within 15 days of the subpoena or five days of the certification, whichever is later; no disclosure and return of all records submitted under seal to the court or, if the provider has not submitted records to the court or agency, that the provider must not respond to the subpoena; or limited disclosure and return of a portion of the records submitted under seal to the court or administrative agency or if the provider has not responded to the subpoena, that he must respond with the portion of the records that have been authorized to be disclosed within 15 days of the subpoena date or the five days of the certification. "Certification" is defined as "a written representation that is delivered by hand, by first-class mail, by overnight delivery service, or by facsimile if the sender obtains a facsimile-machine-generated confirmation reflecting that all facsimile pages were successfully transmitted." This bill contains an emergency clause providing that the act will be in force from its passage, i.e., on such date as may