

to register. Sex offenders and persons convicted of murder will have three days to register or reregister after an address change rather than 10 and have to reregister for any employment change. Sex offenders moving into the Commonwealth will have three days to register instead of 10, as will nonresident visitors, workers and college students who are subject to registration requirements. The State Police, or the Department of Corrections if a person is under Department of Corrections control or on community supervision, will be required to physically verify or cause to be physically verified registration information within the first 30 days of the initial registration or change of address and semi-annually each year thereafter. Persons who have to register for murder of a minor will be required to reregister every 90 days, the same as a violent sex offender. In addition, when a sex offender is convicted of failing to register, he will be required to reregister more frequently (violent sex offenders monthly instead of every 90 days and sex offenders 180 days instead of 12 months). The duration of registration for sex offenders who have been convicted of failing to register is extended as they will no longer be permitted to get off of the registry in 10 years from the date of registration, but instead the requirement will be 10 years from the date of their last conviction for failing to register. In addition, murder of a minor will require lifetime registration. Sex offenders convicted of failing to register will no longer be permitted to petition for relief for three years from the date of registration, but can petition five years from the date of their last conviction for failure to register. The bill makes a second or subsequent conviction for failing to register as a sex offender a Class 6 felony and requires GPS monitoring and makes a second or subsequent conviction of failing to register as a violent sex offender or murderer a Class 5 felony and requires mandatory GPS monitoring. Procedures to be used by correctional institutions and juvenile facilities to obtain registration information from sex offenders under their custody are made more comprehensive, and faster timelines for transmission of information to the State Police are added. An offender will be required to be photographed every two years and to submit to having a DNA sample taken (if not already taken). Additional entities will be entitled to automatic notification of registration of sex offenders, including nursing homes and institutions of higher education. Failure to register is added to the offenses for which conviction bars loitering within 100 feet of a school. Persons convicted of such offenses after July 1, 2006, will also be prohibited from loitering within 100 feet of a child day program. Persons convicted of certain sex offenses will be prohibited from working or volunteering on the grounds of a school or day care center and will be prohibited from residing within 500 feet of a school or day care center. Local school boards are required to ensure that schools within the division are registered to receive electronic notice of sex offenders within that school division and to develop and implement policies to provide information to parents regarding registration of sex offenders and the availability of information on the Registry. Local school boards must also develop protocols governing the release of children to persons who are not their parent. The Virginia Council for Private Education must annually provide the State Police with the location and e-mail address, if available, of every accredited private school in the Commonwealth for purposes of registering to receive electronic notification of sex offenders near the schools. Public and private two- and four-year institutions of higher education are required to electronically transmit information about applicants who have been accepted for admission at each institution to the State Police for comparison with the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry. The Department of Motor Vehicles is required to electronically transmit application information and change of address information for the same purpose. The bill makes it a Class 4 felony to provide false information to obtain

a driver's license with the intent to use it as proof of residency for sex offender registration purposes. The bill also exempts the provisions of the Registry from the Freedom of Information Act and the Government Data Collection and Dissemination Practice Act and the Virginia Information Technologies Agency. The Department of Criminal Justice Services is required to advise criminal justice agencies regarding Registry requirements. The bill also requires a mandatory minimum term of confinement of 25 years for the following offenses committed in the course of an abduction, burglary or aggravated malicious wounding where the offender is more than three years older than the victim: sexual intercourse with a child under 13 years of age, sodomy of a child under 13 years of age, and object sexual penetration of a child under 13 years of age. The bill also provides that for those offenses and for abduction with intent to defile and abduction of a child under 16 years of age for immoral purposes if the term of confinement is less than life imprisonment, the judge shall impose, in addition to any active sentence, a suspended sentence of no less than 40 years and that the suspended sentence shall be suspended (subject to revocation) for the remainder of the defendant's life. Where the conviction is for sexual intercourse, sodomy, or object sexual penetration involving a child under 13 years of age by an offender more than three years older than the victim, any probationary period must include at least three years of active supervision under a postrelease supervision program operated by the Department of Corrections with a minimum of three years of electronic GPS (Global Positioning System) monitoring. In any case where a defendant is convicted of abduction, rape, carnal knowledge of a child between 13 and 15 years of age, sodomy, object sexual penetration, aggravated sexual battery, or indecent liberties, and some portion of the sentence is suspended, the period of suspension must be at least equal to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned and the defendant must be placed on probation for that period of suspension. The bill adds to the list of offenses that qualify as sexually violent offenses for the purposes of civil commitment: abduction with intent to defile, abduction of a child under 16 years of age for the purpose of prostitution, carnal knowledge of a child between 13 and 15 years of age, and carnal knowledge of minors in custody of the court or state. The requirement that the complaining witness be under 13 years of age for aggravated sexual battery to qualify is removed. A felony conviction for conspiracy to commit or attempt to commit any of the qualified offenses is added as a qualifying offense. Incompetent defendants will be reviewed by the Commitment Review Committee. The bill provides that the Static-99 will be used to identify prisoners who will be forwarded to the Commitment Review Committee (CRC) for assessment and that if the Director of the Department of Corrections and the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services agree that no specific scientifically validated instrument exists to measure the risk assessment of a prisoner, the prisoner may be evaluated by a psychiatrist or psychologist to determine if he should be forwarded to the CRC. The bill provides factors for a court to consider in deciding whether to release a person on conditional release, such as living arrangements, availability of supervision, and access to treatment. A person on conditional release will be subject to mandatory GPS monitoring. The bill also adds abduction with intent to extort money or for immoral purposes to the felonies for which a presentence report is required. Portions of the bill have delayed effective dates.

Patron - Stolle

Failed

HB8 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 violators with a civil penalty of \$25.

Patron - Purkey

HB28 Criminal penalty for manufacture, distribution, etc., of methamphetamine. Raises the punishment for a second offense of manufacturing, distributing, etc., of methamphetamine to include a one-year mandatory minimum term of incarceration and for a third or subsequent offense, increases the mandatory minimum term from three to four years. The bill also raises the penalty for a violation involving 200 grams or more of a mixture or substance containing a detectable amount of methamphetamine from a 20-year mandatory minimum sentence to a 25-year mandatory minimum sentence.

Patron - Phillips

HB31 Sale of methamphetamine precursor drugs. Provides that no person shall offer methamphetamine precursor drugs (ephedrine, pseudoephedrine, or phenylpropanolamine) for retail sale except from behind the counter upon request by the prospective purchaser to the person authorized by the owner of the retail outlet to make the sale. The seller is also required to record the purchaser's name and the date of purchase. A violation of this provision is a Class 3 misdemeanor. This bill was incorporated into HB 1040.

Patron - Phillips

HB34 Freezing access to credit reports; penalty. Authorizes any consumer to freeze access to his credit report. If a consumer has placed a freeze on his credit report, a consumer reporting agency is prohibited from releasing the credit report, or any information in it, without the consumer's express authorization. The measure provides a means by which a consumer can release his report, permanently, temporarily, or to a specific third party. Certain disclosures are exempt from the freeze. A violation is a prohibited practice under the Consumer Protection Act. This bill was incorporated into HB 1508.

Patron - Tata

HB42 Punishment for DUI manslaughter. Imposes a one-year mandatory minimum term of imprisonment for causing the death of another while driving intoxicated, and imposes a five-year mandatory minimum term of imprisonment (currently one year) for the same offense when the conduct of the intoxicated driver was so gross, wanton and culpable as to show a reckless disregard for human life.

Patron - Albo

HB44 DUI punishment. Makes clear that additional punishment for two offenses of DUI is applicable to any two offenses occurring within a five-year period, rather than solely for a first and second offense occurring within a five-year period.

Patron - Albo

HB146 Concealed handguns; restaurants. Prohibits a person who carries a concealed handgun onto the premises of a restaurant or club from consuming an alcoholic beverage while on the premises.

Patron - Cole

HB162 Firearms in locked vehicles; immunity from liability; civil penalty. Prohibits a person, property owner, ten-

ant, employer, or business entity from establishing, maintaining, or enforcing any policy or rule that would prohibit a person from storing a lawfully possessed firearm in a locked vehicle. No person, property owner, tenant, employer, or business entity would be liable for any occurrence connected with use of a firearm that had been stored in a locked vehicle pursuant to the section. The bill also allows a person to file for injunction to enforce the provisions of the section, and provides for actual damages and attorney fees for a prevailing plaintiff. The bill contains exemptions for school property, parking areas that are gated or otherwise limit public access, and vehicles owned by an employer or business entity.

Patron - Lingamfelter

HB167 Concealed handgun permit; expiration. Eliminates the need for citizens of the Commonwealth who obtain a concealed handgun permit to renew the permit every five years. This bill was incorporated into HB 1577.

Patron - Lingamfelter

HB180 How accessories after the fact punished; penalty. Provides that all accessories after the fact to a felony are guilty of a Class 6 felony no matter their relation to the principal. Currently, the penalty is a Class 1 misdemeanor, and family members are not deemed accessories and are not criminally liable as accessories if their assistance is to assist the principal in avoiding prosecution or punishment.

Patron - McEachin

HB205 Sex offenses prohibiting residence in proximity to schools. Provides that every person who is convicted of a sexually violent offense as defined in § 9.1-902 shall be forever prohibited from maintaining a permanent residence (more than 21 consecutive days) that is less than 1,000 linear feet from a primary, secondary, or high school. A violation of this provision is a Class 1 misdemeanor. A second or subsequent violation is a Class 6 felony. This bill was incorporated into HB 984.

Patron - Marshall, R.G.

HB243 Battery against a sports official; penalty. Provides that if any person commits a battery against another knowing or having reason to know that such other person is a sports official engaged in the performance of his duties as such, he shall be guilty of a Class 1 misdemeanor and the sentence of such person upon conviction shall include a mandatory minimum fine of \$1,000. A "sports official" is defined as a coach, umpire, referee, line judge or other person employed or volunteering in a similar capacity during a sporting event.

Patron - Shannon

HB254 Computer trespass; additional provisions; penalty. Adds three provisions that expand the scope of what would constitute computer trespass: (i) installing computer software on the computer or computer network of another without permission; (ii) using a computer or computer network to monitor or record information without the permission of the owner; and (iii) disabling or disrupting the ability of a computer to share or transmit instructions or computer data to other computers or to any related devices, such as printers, scanners, and fax machines.

Patron - Cosgrove

HB342 Temporary custodial detention of a person; penalty. Sets out circumstances under which a law-enforcement officer may detain a person suspected of criminal activity past, present, or future and require him to identify himself. Failure to identify oneself is a Class 1 misdemeanor. This bill was incorporated into HB 25.

Patron - Sherwood

HB364 Driving prohibitions following a DUI. Removes reference to "engine or train" from the DUI statute and associated statutes, thus prohibiting the driving of only a motor vehicle following a conviction for DUI.

Patron - Carrico

HB371 Using abusive language to another. Clarifies that any person who curses or abuses a law-enforcement officer, firefighter, or emergency medical personnel is guilty of a Class 3 misdemeanor. Currently, such personnel are not mentioned by name.

Patron - Carrico

HB398 Subsequent offenses of stalking; penalty. Provides that a second stalking conviction occurring within two years shall be a Class 6 felony rather than a Class 1 misdemeanor. Currently, there is no such increased penalty. This would complement the existing increased penalty (from a Class 1 misdemeanor to a Class 6 felony) that results from a third or subsequent conviction within five years.

Patron - Wittman

HB418 Human Anti-Trafficking Act. Creates the Human Anti-Trafficking Act and punishes trafficking in humans for forced labor as a Class 5 felony and trafficking in minors for sexual activity as a Class 4 felony. The measure also provides for civil remedies for the victims.

Patron - Bulova

HB424 Concealed handgun permits; recognition of out-of-state permits. Allows any person who is at least 21 years of age with a valid concealed handgun or concealed weapons permit issued by another state to carry a concealed handgun in the Commonwealth, so long as he also has a valid government-issued photo identification. This bill was incorporated into HB 1577.

Patron - Nutter

HB505 Sale of methamphetamine precursor drugs ephedrine and pseudoephedrine; penalty. Provides that no person shall offer methamphetamine precursor drugs (ephedrine and pseudoephedrine) for retail sale except from behind the counter or with other comparable restrictions. No more than three packages may be sold. No more than nine grams may be sold. The seller is also required to record the purchaser's name and the date of purchase. The purchaser must sign the purchase log. The log may not be revealed except to law enforcement. A violation of this provision is a Class 1 misdemeanor. This bill was incorporated into HB 1040.

Patron - Armstrong

HB513 Preliminary DUI breath analysis as evidence in prosecution. Provides that the results of a preliminary DUI breath analysis may be admitted into evidence in any prosecution for a DUI offense for the purpose of rebutting a challenge by the defendant to the existence of probable cause for the arrest. Currently there is no statutory exception to the rule that it not be admitted into evidence.

Patron - Armstrong

HB545 Field test for marijuana evidence at trial. Provides that in any trial for marijuana possession, any law-enforcement officer shall be permitted to testify as to the results of any marijuana field test, approved by the Department of Forensic Science, regarding whether or not any plant material is marijuana. This bill was incorporated into HB 1030.

Patron - Griffith

HB546 Concealed handgun permits; retired law-enforcement officers. Provides an appeal process for retired local law-enforcement officials denied written proof of consultation to carry a concealed handgun. If the chief law-enforcement officer denies the proof to the retired officer, the retired officer may appeal to the attorney for the Commonwealth.

Patron - Griffith

HB561 Commission of a sex offense while not properly registered; penalties. Provides that any person who knowingly fails to register or reregister or who knowingly provides materially false information to the Sex Offender and Crimes Against Minors Registry and who, while not properly registered, commits an offense for which registration is required, other than a sexually violent offense, is guilty of a separate and distinct Class 6 felony. Such a person who commits a sexually violent offense is guilty of a separate and distinct Class 5 felony. This bill was incorporated into HB 984.

Patron - Amundson

HB585 Child sex offenses. Merges two sex offense sections into one. The bill also creates the crime of indecent liberties against a child under the age of 13, punishable by a Class 4 felony and a Class 3 felony for a second or subsequent offense.

Patron - Watts

HB590 Crimes; brandishing a machete; penalty. Makes it illegal to brandish a machete in such manner as to reasonably induce fear in the mind of another.

Patron - Watts

HB608 Bad checks; child support; penalties. Specifies that writing a bad check for child or spousal support is a Class 1 misdemeanor.

Patron - Amundson

HB615 Domestic assault; enhanced punishment. Clarifies that the enhanced punishment (Class 6 felony for a third conviction) provisions apply when there have been three offenses that occurred on a different date. There has been some confusion as to whether there have to be three different conviction dates or three different offense dates.

Patron - O'Bannon

HB638 Larceny from an incapacitated person; penalty. Provides for a mandatory minimum penalty of 90 days' confinement for a caregiver convicted of petit larceny from an incapacitated person, and 180 days for a caregiver convicted of grand larceny from an incapacitated person.

Patron - Phillips

HB713 Crimes; criminal street gangs; penalty. Adds carrying a concealed weapon to the list of crimes defined as "predicate criminal acts" in § 18.2-308.

Patron - McQuigg

HB737 Crimes; possession of marijuana; penalty. Makes the first offense of possession of marijuana a Class 1 misdemeanor and deprives the person found delinquent or so convicted of the privilege to drive for one year. Currently, the penalty for the first offense is an unclassified misdemeanor and carries a maximum penalty of 30 days in jail and a \$500 fine, and, in the case of a juvenile, the loss of driving privileges for six months.

Patron - Iaquinto

HB751 Computer fraud; penalty. Removes the requirement that a person be without authority to be guilty of computer fraud.

Patron - BaCote

HB769 Concealed handgun permits; information concerning lethal force. Requires the state police to develop, in consultation with the Attorney General, a handout concerning the use of lethal force in Virginia. The handout would be provided to each permit holder upon issuance of a concealed handgun permit. This bill was incorporated into HB 1577.

Patron - Sickles

HB811 Defense of self, others, and property. Codifies the limits to which a person may go to defend himself or others against the violence or perception of imminent violence of another.

Patron - Fralin

HB829 Self defense and defense of others. Provides that any person who lawfully occupies a dwelling is justified in using any degree of physical force, including deadly physical force, against another 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. The bill also provides that a person who uses justifiable force against an intruder shall be immune from civil liability for injuries or death of the other person.

Patron - Welch

HB830 Expiration of concealed handgun permit; military personnel. Provides that a concealed handgun permit held by a member of the armed forces will not expire during periods of deployment. Instead, a permit that would expire during deployment will remain valid for 90 days after the permittee returns from active duty. The permittee will be required to carry with his permit, and produce at the request of a law-enforcement officer, a copy of his deployment papers that require the permittee to travel outside of his city or county of residence on active duty and that indicate the start and end date of the deployment. This bill was incorporated into HB 1577.

Patron - Welch

HB864 Virtual child pornography; penalty. Defines "virtual child pornography" as any visual depiction, including any photograph, film, video, picture, or computer image or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where such visual depiction is a digital image, computer image, or computer-generated image that is indistinguishable from that of a minor engaging in sexual bestiality, a lewd exhibition of nudity, as nudity is defined in § 18.2-390, or sexual excitement, sexual conduct, or sadomasochistic abuse, as also defined in § 18.2-390. Punishes possession, production, etc., of virtual child pornography the same as child pornography.

Patron - Byron

HB879 Self-defense, defense of others, defense of property. Expands the latitude granted a person who, in his home or car, defends himself, his family, or his property from the violence or possibility of violence of another. The bill also provides that one may defend himself in any place he has a right to be, without retreat.

Patron - Gear

HB883 Carnal knowledge of students; penalty. Makes it a Class 6 felony for a teacher in an elementary or secondary school to engage in a sexual relationship with a student even if the student is over the age of 18.

Patron - Griffith

HB895 Weapons in certain air carrier airport terminals; concealed handgun permit holders. Limits the prohibition of weapons in airport terminals to urban air carrier airport terminals, which includes Dulles International Airport, Ronald Reagan Washington National Airport, Richmond International Airport, and Norfolk International Airport. The bill also removes ammunition from the list of prohibited items in these terminals, and creates an exception to the prohibition for individuals with a valid concealed handgun permit.

Patron - Gear

HB904 Assault or threat of certain judicial participants; penalty. Provides that the assault, assault and battery, or threat to kill or injure a judge, juror, witness, officer of the court, or his immediate family member for or in respect of any act or proceeding had or to be had in such court is a Class 5 felony with a mandatory, minimum term of confinement of six months.

Patron - Iaquinto

HB913 Crimes; failing to pay for motor fuel; penalty. Creates a rebuttable presumption that the registered owner or lessee of the vehicle was the person who failed to pay for the motor fuel. The bill also allows for the summons for a violation of the section to be executed by mailing a copy of the summons by first-class mail.

Patron - Oder

HB921 Manner by which sexual battery is committed. Removes "force, threat, intimidation or ruse" from the manners by which sexual battery is committed.

Patron - Landes

HB933 Ticket scalping is a crime; penalty. Provides that any person who resells for profit any ticket for admission to any sporting event, theatrical production, lecture, motion picture or any other event open to the public for which tickets are ordinarily sold is guilty of a Class 1 misdemeanor. (Churches, charities, and schools may scalp legally.) Currently, this prohibition may be made effective at the local level by ordinance and is punishable as a Class 3 misdemeanor.

Patron - Nutter

HB960 Crimes; investment fraud; penalty. Creates the crime of investment fraud if a person knowingly misuses or misappropriates any money or other funds or personal property, tangible or intangible, that he receives from another for the purpose of purchasing or operating a lawful commercial business. Upon conviction, the bill provides for the same punishment as larceny.

Patron - Bulova

HB965 Human trafficking; penalties. Establishes the crime of and punishment for human trafficking, a Class 5 felony. Provides for civil liability, business entity liability, restitution to victims, forfeiture of trafficker assets, and study by a Governor's task force.

Patron - Ebbin

HB978 Sale of fake marijuana; penalty. Prohibits the sale near a school or similar place of a substance that is rep-

resented to be marijuana. The punishment is the same as for sale of marijuana.

Patron - Abbitt

HB987 Providing certificate of analysis to defense counsel. Removes the requirement that any certificate of analysis prepared by the Division of Consolidated Laboratory Services or the Department of Forensic Science or authorized by either of them be provided to defense counsel at least seven days before a criminal trial in which the certificate is to be used as evidence. The bill also provides that a copy of the certificate shall be made available by the clerk, at the office of the clerk, to the defendant or counsel of record for the defendant upon request, at no charge. This bill was incorporated into HB 1469.

Patron - Shannon

HB992 Sexual enticement of a minor; penalty. Provides that it is a Class 5 felony for any person 18 years of age or over to, with lascivious intent, knowingly and intentionally entice any minor who is three or more years his junior to do certain illicit acts. Current law limits criminal liability to enticement of any child under the age of 15 years.

Patron - Shannon

HB993 Offenses prohibiting proximity to children and others; penalty. Provides that when a person is convicted of an offense requiring registration under § 9.1-902, he shall likewise be prohibited from loitering near children. The bill also requires that when a judge sentences a person upon conviction of an offense requiring registration under § 9.1-902 he shall, as a condition of probation, parole, or deferment or suspension of sentence, impose upon the defendant reasonable employment or occupational prohibitions and restrictions designed to protect the class or classes of persons containing the likely victims of further offenses by the defendant. The bill further requires that when a judge sentences a person convicted of an offense prohibiting proximity to children he shall, as a condition of probation, or deferment or suspension of sentence, impose upon the defendant restrictions on the defendant's residency in the proximity of a private or public elementary or high school, child day center, church, or park. This bill was incorporated into HB 984.

Patron - Shannon

HB1015 Sex Offender Registry. Adds first offense child pornography possession and burglary with the intent to commit certain felony sex offenses as new Registry offenses if committed after July 1, 2006. The bill modifies the registration of a person convicted of murdering a child so that registration will be required if the victim is under 15 years of age and if the minor victim is 15 or older and the murder is related to a registrable sex offense. The bill makes a second or subsequent conviction for failing to register as a sex offender a Class 6 felony. This bill was incorporated into HB 984.

Patron - Hurt

HB1031 Child pornography; possession; penalty. Adds to the possession of child pornography statute a statement that the trier of fact may infer that a person who is depicted as or presents the appearance of being younger than 18 years of age in sexually explicit visual material is younger than 18 years of age. This provision is in the possession of child pornography with intent to distribute statute.

Patron - Hurt

HB1032 Material harmful to juveniles; penalty. Provides that giving or distributing certain sexual material to a minor is unlawful. Under current law the sale, rent, or loan of such material is unlawful. The bill also makes any display of sexual materials where a juvenile can peruse it unlawful. Under

current law only the commercial display of the material is unlawful.

Patron - Hurt

HB1071 Child pornography; penalties. Adds the following mandatory minimum terms of confinement for possession of child pornography: six months for each sexually explicit visual material possessed by the defendant and one year if the child depicted is age 13 or younger, and one year for a second or subsequent offense. For the crime of distribution of child pornography the following mandatory minimum terms of confinement are added: one year for each sexually explicit visual material distributed and two years if the child depicted in such material is age 13 or younger. A provision is added that the mandatory minimum sentence run consecutively with any other sentence.

Patron - Lohr

HB1080 Access to customer information of telecommunications companies; penalty. Prohibits obtaining customer information from telecommunications companies by making false or fraudulent statements or representations to an employee or customer of a telecommunications company. The bill also prohibits obtaining customer information by bribing an employee of a telecommunications company or knowingly presenting false documentation to a telecommunications company. Initial violations of this section would be punishable as a Class 1 Misdemeanor. Any violation resulting in financial loss \$200 or more or any second or subsequent violation would be punishable as a Class 6 felony. This bill was incorporated into HB 1518.

Patron - Scott, J.M.

HB1100 Human Trafficking Act; penalties. Establishes in Virginia law a variation on the "Model State Anti-Trafficking Criminal Statute" proposed by the U.S. Department of Justice.

Patron - Griffith

HB1105 Carrying concealed handguns; penalty. Amends the section requiring a person to have a valid permit to carry a concealed handgun, making it legal for a person who may lawfully possess a firearm to carry a concealed firearm so long as he informs a law-enforcement officer of his possession as soon as practicable if detained and he secures the firearm at the officer's request or allows the officer to secure the weapon.

Patron - Athey

HB1149 Sale of pseudoephedrine by pharmacist; limits on purchase of pseudoephedrine; penalty. Provides that only a licensed pharmacist shall dispense, sell, or distribute any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, and that any person who acquires it shall produce a valid government-issued photo identification showing the date of birth of the person and shall sign a written log or receipt showing the date of the transaction, the name of the person, and the amount acquired. The bill also provides that no person shall acquire more than nine grams of pseudoephedrine within any 30-day period. The penalty for violation of these provisions is a Class 6 felony. This bill was incorporated into HB 1040.

Patron - Lingamfelter

HB1152 Human Anti-Trafficking Act; penalties. Establishes in Virginia law the "Model State Anti-Trafficking Criminal Statute" drafted by the U.S. Department of Justice. Although Virginia has criminal statutes that address many of the crimes addressed by the Act (kidnapping, prostitution,

etc.), the Department of Justice has asked the states to adopt the model act.

Patron - Lingamfelter

HB1155 Sex crimes, electronic monitoring; penalties. Requires a mandatory minimum term of confinement of 25 years for the following offenses: sexual intercourse with a child under 13 years of age, sodomy of a child under 13 years of age, and object sexual penetration of a child under 13 years of age. The bill also provides that for those offenses and for abduction with intent to defile and abduction of a child under 16 years of age for immoral purposes if the term of confinement is less than life imprisonment, the judge shall impose, in addition to any active sentence, a suspended sentence of no less than 40 years and that the suspended sentence shall be suspended for the remainder of the defendant's life. Where the conviction is for sexual intercourse, sodomy or object sexual penetration involving a child under 13 years of age, any probationary period must include at least three years of active supervision under a postrelease supervision program operated by the Department of Corrections with a minimum of three years of electronic GPS (Global Positioning System) monitoring. In any case where a defendant is convicted of abduction, rape, carnal knowledge of a child between 13 and 15 years of age, sodomy, object sexual penetration, aggravated sexual battery, or indecent liberties, and some portion of the sentence is suspended, the period of suspension must be at least equal to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned and the defendant must be placed on probation for that period of suspension. This bill was incorporated into HB 846.

Patron - Lingamfelter

HB1165 Domestic violence victims; personal documents confidential. Requires the Department of Social Services, in coordination with the Statewide Domestic Violence Coalition, to set up procedures or services to protect the documents and personal mail of domestic violence victims so that their location or address cannot be detected from such documentation. This bill was incorporated into HB 1493.

Patron - Eisenberg

HB1182 Driving under the influence of drugs. Provides that a person who drives with 0.003 milligrams of tetrahydrocannabinol per liter of his blood is driving under the influence of drugs.

Patron - Carrico

HB1212 Crimes; brandishing a machete; penalty. Makes it illegal to brandish a machete in a threatening manner while committing one of many various crimes, and includes such offense as one of the predicate criminal acts that defines street gang activity.

Patron - Moran

HB1232 Unintentional causing death of fetus punishable as involuntary manslaughter. Provides that any person who, during the commission of a crime or during conduct that shows a reckless disregard for human life, unintentionally causes an injury to a woman who is pregnant, resulting in the death of her fetus, is guilty of involuntary manslaughter. Physicians acting in good faith in the performance of their duties are not liable under the section.

Patron - Landes

HB1252 Sex crimes; penalties. Requires a mandatory minimum term of confinement of 25 years for the following offenses: sexual intercourse with a child under 13 years of age, sodomy of a child under 13 years of age, and object sexual penetration of a child under 13 years of age. The bill also pro-

vides that for those offenses and for abduction with intent to defile and abduction of a child under 16 years of age for immoral purposes if the term of confinement is less than life imprisonment, the judge shall impose, in addition to any active sentence, a suspended sentence of no less than 40 years and that the suspended sentence shall be suspended for the remainder of the defendant's life. Where the conviction is for sexual intercourse, sodomy or object sexual penetration involving a child under 13 years of age, any probationary period must include at least three years of active supervision under a postrelease supervision program operated by the Department of Corrections with a minimum of three years of electronic GPS (Global Positioning System) monitoring. In any case where a defendant is convicted of abduction, rape, carnal knowledge of a child between 13 and 15 years of age, sodomy, object sexual penetration, aggravated sexual battery, or indecent liberties, and some portion of the sentence is suspended, the period of suspension must be at least equal to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned and the defendant must be placed on probation for that period of suspension. This bill was incorporated into HB 846.

Patron - Hugo

HB1260 Conviction of second or subsequent violent sex offense; penalty. Establishes unequivocally that prior convictions of certain violent sex crimes are to be alleged in the indictment or information and are made a part of the evidence at trial for the purpose of enhanced punishment for second and subsequent such offenses.

Patron - Janis

HB1268 Communication systems; sexual offenses; penalty. Revises the crime of using a communications system to procure or promote sexual activity involving a minor to make it consistent with the crime of using a communications system to solicit such activity. The bill provides that the offense occurs if the person knows or has reason to believe that the person with whom he is communicating is a minor. The bill also provides that using a communications system to procure or promote the offenses of crimes against nature and taking or detaining a person for prostitution or unlawful sexual intercourse is a violation of the statute and the penalty for violation is raised from a Class 6 felony to a Class 5 felony. A venue provision states that in addition to existing venue provisions venue includes any place in which the communications system contact was initiated or received. A provision for forfeiture of a vehicle used in committing such an offense is included.

Patron - Janis

HB1296 Child pornography; possession; penalty. States that each sexually explicit visual material utilizing or having as a subject a person younger than 18 years of age constitutes a separate felony.

Patron - Saxman

HB1310 Child pornography; penalty. Adds a provision that a person who is depicted as or presents the appearance of being less than 18 years of age in sexually explicit visual material is prima facie presumed to be less than 18 years of age. This provision is currently in the possession of child pornography with intent to distribute statute. This bill was incorporated into HB 1031.

Patron - Gilbert

HB1344 Using abusive language to another. Clarifies that any person who curses or abuses a law-enforcement officer, firefighter, or emergency medical personnel is guilty of

a Class 3 misdemeanor. Currently, such personnel are not mentioned by name.

Patron - Bell

HB1349 Abuse or neglect proceedings; videotaped statement. Allows a videotaped statement of an alleged victim to be admissible into evidence in a criminal proceeding for child abuse or neglect if the child is 12 years of age or younger at the time the statement is offered and a number of other conditions are met, including having the alleged victim and all persons present at the time the statement was taken available to testify or be cross-examined at the proceeding where the recording is offered.

Patron - Bell

HB1354 Unsolicited messages and images sent to wireless devices; penalty. Prohibits persons or entities from sending unsolicited text or graphic messages to a telephone number assigned to a wireless device of a resident of the Commonwealth. This section would not apply to persons who have a subscription agreement with the resident, provided the resident has the option not to receive further messages. Violations of this section would be a Class 1 misdemeanor.

Patron - Bell

HB1378 Informed consent to an abortion. Provides that informed consent to an abortion shall include a determination by a physician, who shall neither perform the abortion nor gain financially by the performance of the abortion, of the viability of the pregnancy as indicated by the presence of a fetal sac within the uterus and of fetal cardiac activity.

Patron - Cole

HB1381 Dealing drugs and causing a death. Punishes a person who commits a violation of § 18.2-248 (sale or distribution or manufacture of controlled substances) that results in the death of another with a sentence of 10 years to life and a fine of \$1,000,000 to \$5,000,000 and, for a second offense, a sentence of 20 years to life and a \$5,000,000 to \$10,000,000 fine and, for a third or subsequent offense, a sentence of 20 years to life with a mandatory minimum of 20 years plus an \$8,000,000 to \$20,000,000 fine.

Patron - Phillips

HB1401 Concealed handgun permit applications; fingerprints. Removes the option for a locality to require that an applicant for a concealed handgun permit submit fingerprints as part of the application. This bill was incorporated into HB 1577.

Patron - Carrico

HB1406 Solicitation of prostitution from a minor. Provides that any adult who offers money or its equivalent to a person under the age of 18 for the purpose of engaging in sexual acts and thereafter does any substantial act in furtherance thereof is guilty of solicitation of prostitution from a minor and is guilty of a Class 6 felony, in addition to any other penalties that may apply.

Patron - Carrico

HB1445 Definition of parent; incest. Amends the incest statute to include step-parents, step-grandparents, step-children, and step-grandchildren.

Patron - Watts

HB1464 Counterfeiting of prescription drugs; increased penalty. Increases the penalty for knowingly and willfully counterfeiting a prescription drug, including manufacturing, selling, distributing, or dispensing or facilitating any

of those activities regarding such drug, from a Class 2 misdemeanor to a Class 5 felony. The bill defines "counterfeit drug."

Patron - Amundson

HB1495 Firearms on school property; school board meetings; penalty. Extends the prohibition against carrying firearms at schools to school board meetings, regardless of whether the meeting is held on school property. Carrying a firearm at a school board meeting is punishable as a Class 1 misdemeanor.

Patron - Amundson

HB1500 Fraudulent procurement of telephone records; penalty. Creates a Class 1 misdemeanor resulting from unauthorized or fraudulent procurement, sale, or receipt of telephone records which involves (i) knowingly procuring, attempting to procure, soliciting, or conspiring with another to procure a telephone record without authorization by fraudulent, deceptive, or false means; (ii) knowingly selling, or attempting to sell, a telephone record without authorization; or (iii) receiving a telephone record knowing that such record has been obtained without authorization by fraudulent, deceptive, or false means. This bill was incorporated into HB 1518.

Patron - Purkey

HB1517 Gang and Terrorism Law-enforcement Assistance Unit. Creates in the Office of the Attorney General a Gang and Terrorism Law-enforcement Assistance Unit to assist local police and State Police with the investigation and prosecution of gang participation and gang recruitment offenses, terrorism offenses, and RICO offenses.

Patron - Albo

HB1548 Impoundment of motor vehicle for driving with a suspended operator's license. Provides that a person arrested for driving on a suspended license, suspended for any reason, shall have his car impounded for 30 days, or 60 days for a second or subsequent such arrest. Currently, the impoundment is only for 30 days and is only effected for certain types of suspensions, such as DUI.

Patron - Reid

HB1551 Assault and battery against a family or household member. Creates a Class 2 misdemeanor when a person commits an act of assault and battery against a family or household member knowing that a child under the age of 14 is present.

Patron - Scott, J.M.

HB1573 Sale of pseudoephedrine by store owner; limits on purchase of pseudoephedrine; penalty. Provides that only the owner of a retail establishment or his authorized agent shall dispense, sell, or distribute any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, and that any person who acquires it shall produce a valid government-issued photo identification showing the date of birth of the person and shall sign a written log or receipt showing the date of the transaction, the name of the person, and the amount acquired. The penalty for violation of these provisions is a Class 3 misdemeanor. This bill was incorporated into HB 1040.

Patron - Gilbert

HB1578 Concealed handgun permits. Adds a definition of "personal knowledge" and limits the disqualification relating to the likelihood of using a weapon unlawfully or negligently to personal knowledge of acts that took place during the three years immediately preceding the application. This bill was incorporated into HB 1577.

Patron - Cline

SB7 Concealed handgun permits; reckless handling of a firearm. Disqualifies an individual who has been convicted of reckless handling of a firearm from receiving a concealed handgun permit for three years from the time of conviction.

Patron - Reynolds

SB15 Transfer of firearms; criminal records check; penalties. 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. The bill also adds the definition of "promoter" and requires that the promoter of a gun show provide vendors with access to licensed dealers who will conduct the criminal background check.

Patron - Marsh

SB31 Ignition interlock system; exemption. Allows the court to grant an exemption to a person otherwise required to use an ignition interlock system if the court determines that an exemption is warranted based on physician documentation that a person's medical condition prevents him from correctly utilizing the ignition interlock system.

Patron - Miller

SB36 Concealed handgun permit applications; fingerprints. Removes the option for a locality to require that an applicant for a concealed handgun permit submit fingerprints as part of the application.

Patron - Reynolds

SB37 Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute cocaine; penalties. Provides that any person who manufactures, sells, gives, distributes, or possesses cocaine with intent to manufacture, sell, give, or distribute it shall, in addition to any other punishment provided therefor, receive a mandatory minimum term of imprisonment of five years for a first offense, 10 years for a second offense, and 15 years for a third or subsequent offense.

Patron - Reynolds

SB58 Concealed handgun permit applications; fingerprints. Removes the option for a locality to require that an applicant for a concealed handgun permit submit fingerprints as part of the application.

Patron - Reynolds

SB136 Criminal street gangs; penalty. Adds to the list of crimes defined as "predicate criminal act" § 18.2-95, grand larceny and § 18.2-308, carrying a concealed weapon. This bill was incorporated into SB 473.

Patron - O'Brien

SB143 Crimes; punishment for using abusive language; penalty. Makes it a Class 3 misdemeanor to curse or abuse, under circumstances reasonably calculated to provoke a breach of the peace, law-enforcement or emergency personnel who are in the performance of their duties.

Patron - Deeds

SB170 Bad checks; child support; penalties. Specifies that writing a bad check for child or spousal support falls within the criminal penalties for bad checks. The bill also adds writing a bad check for child or spousal support on behalf of a business, firm, or corporation knowing that there are insufficient funds to the provisions that make it a Class 1 misde-

meanor or Class 6 felony (\$200 or more) for an employer to write a bad check for wages.

Patron - Quayle

SB197 Driver's license reinstatement fees. Increases from \$40 to \$80 the amount of the fee charged by DMV for reinstatement of suspended or revoked driver's licenses. Proceeds of this additional fee are to be paid into the Trauma Center Fund.

Patron - Williams

SB223 Crimes; punishment for using abusive language; penalty. Makes it a Class 3 misdemeanor to curse or abuse, under circumstances reasonably calculated to provoke a breach of the peace, law-enforcement or emergency personnel who are in the performance of their duties.

Patron - Quayle

SB284 Computer fraud; penalty. Provides that a person who uses a computer or computer network to obtain property or services by false pretenses, embezzle, or commit larceny is guilty of the crime of computer fraud, whether or not he has authority to use the computer. Under current law computer fraud occurs only if the person uses the computer without authority.

Patron - Norment

SB301 Violation of custody and visitation court order; penalty. Revises crime of withholding a child from a parent outside of the state in violation of a court order to remove the provision that it must have been done intentionally and that the violation of the court order must have been significant. The crime still must be done knowingly and wrongfully and there must be a clear violation of the court order. The current crime of knowingly, wrongfully and intentionally engaging in conduct that constitutes a clear and significant violation of a custody or visitation court order, without regard to the location of the child, is changed to mirror the out-of-state provision.

Patron - Cuccinelli

SB314 Sale of methamphetamine precursor drugs ephedrine and pseudoephedrine; penalty. Provides that no person shall offer methamphetamine precursor drugs (ephedrine and pseudoephedrine) for retail sale except from behind the counter or with other comparable restrictions. No more than three packages may be sold. No more than nine grams may be sold. The seller is also required to record the purchaser's name and the date of purchase. The purchaser must sign the purchase log. The log may not be revealed except to law enforcement. A violation of this provision is a Class 1 misdemeanor. This bill was incorporated into SB 146.

Patron - Cuccinelli

SB315 Abortion performed on child under age 15; penalty. Requires the preservation and testing of fetal tissue for the purpose of determining whether the pregnancy is the result of criminal behavior. Failure of a physician to comply the requirements is unprofessional conduct and a Class 4 misdemeanor.

Patron - Cuccinelli

SB321 Methamphetamine laboratories; penalties. Provides a term of life imprisonment with a mandatory minimum term of confinement of 20 years if a first responder suffers serious bodily injury as a direct result of a methamphetamine lab. The bill punishes the operation of a methamphetamine lab in a residential area near a home, school,

or church with a penalty of 40 years imprisonment with a mandatory minimum term of confinement of 10 years.

Patron - Deeds

SB322 Identity theft; penalty. Provides that a person who unlawfully appropriates the identity of 10 or more persons is guilty of a Class 3 felony and of a Class 2 felony for the unlawful appropriation of 100 or more.

Patron - Deeds

SB323 Gang crimes; penalty. Provides life imprisonment as the possible penalty for a third gang-related crime in a 10-year period by elevating the penalty to a Class 2 felony (20 years to life) from a Class 3 felony (5 years to 20 years).

Patron - Deeds

SB372 Impersonating law-enforcement officer or misrepresenting vehicle; penalty. Elevates the crime of impersonating a law-enforcement officer from a Class 1 misdemeanor to a Class 6 felony. The bill adds a new crime of using a motor vehicle to stop or detain a person with the intent to deceive the person into believing that he is a law-enforcement officer.

Patron - Saslaw

SB376 Sex crimes; penalties. Requires a mandatory minimum term of confinement of 25 years for the following offenses: sexual intercourse with a child under 13 years of age, sodomy of a child under 13 years of age, and object sexual penetration of a child under 13 years of age. The bill also provides that for those offenses and for abduction with intent to defile and abduction of a child under 16 years of age for immoral purposes if the term of confinement is less than life imprisonment, the judge shall impose, in addition to any active sentence, a suspended sentence of no less than 40 years and that the suspended sentence shall be suspended for the remainder of the defendant's life. Where the conviction is for sexual intercourse, sodomy or object sexual penetration involving a child under 13 years of age, any probationary period must include at least three years of active supervision under a postrelease supervision program operated by the Department of Corrections with a minimum of three years of electronic GPS (Global Positioning System) monitoring. In any case where a defendant is convicted of abduction, rape, carnal knowledge of a child between 13 and 15 years of age, sodomy, object sexual penetration, aggravated sexual battery, or indecent liberties, and some portion of the sentence is suspended, the period of suspension must be at least equal to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned and the defendant must be placed on probation for that period of suspension. This bill was incorporated into SB 559.

Patron - McDougle

SB451 Crimes; brandishing a machete; penalty. Makes it illegal to brandish a machete in a threatening manner while committing one of many various crimes, and includes such offense as one of the predicate criminal acts that defines street gang activity. This bill was incorporated into SB 183.

Patron - Devolites Davis

SB470 Sex crimes; penalties. Requires a mandatory minimum term of confinement of 25 years for the following offenses where the offender is more than three years older than the victim: sexual intercourse with a child under 13 years of age, sodomy of a child under 13 years of age, and object sexual penetration of a child under 13 years of age. The bill also provides that for those offenses and for abduction with intent to defile and abduction of a child under 16 years of age for immoral purposes if the term of confinement is less than life

imprisonment, the judge shall impose, in addition to any active sentence, a suspended sentence of no less than 40 years and that the suspended sentence shall be suspended (subject to revocation) for the remainder of the defendant's life. Where the conviction is for sexual intercourse, sodomy, or object sexual penetration involving a child under 13 years of age by an offender more than three years older than the victim, any probationary period must include at least three years of active supervision under a postrelease supervision program operated by the Department of Corrections with a minimum of three years of electronic GPS (Global Positioning System) monitoring. In any case where a defendant is convicted of abduction, rape, carnal knowledge of a child between 13 and 15 years of age, sodomy, object sexual penetration, aggravated sexual battery, or indecent liberties, and some portion of the sentence is suspended, the period of suspension must be at least equal to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned and the defendant must be placed on probation for that period of suspension. This bill was incorporated into SB 559.

Patron - Norment

SB491 Control of dangerous and vicious dogs; registry; penalty. The bill expands the authority to petition a court to find a dog dangerous to any law enforcement officer and makes that petition mandatory. A Virginia Dangerous Dog Registry is created to be maintained by the State Veterinarian; any change in the status of a dangerous dog is to be promptly submitted in writing. Surrender of a dog that is subject of a pending action to animal control shall not be in lieu of prosecution. The bill also (i) expands the definition of "dangerous dogs" to include dogs that inflict injury to a another cat or dog requiring the animal to be euthanized while also broadening safe harbor provisions; (ii) requires that a dog that has been found to be dangerous or vicious shall be spayed or neutered; and (iii) requires insurance be maintained for a dangerous dog and raises the policy limit requirement to \$100,000 and allows for a surety bond in lieu of an insurance policy. This bill was incorporated into SB 200 and is identical to HB 340 and HB 1039.

Patron - Quayle

SB505 Human Anti-Trafficking Act. Creates the Human Anti-Trafficking Act and punishes trafficking in humans for forced labor as a Class 5 felony and trafficking in minors for sexual activity as a Class 4 felony. The measure also provides for civil remedies for the victims. This bill was incorporated into SB 291.

Patron - Devolites Davis

SB510 Sex crimes; penalties. Requires a mandatory minimum term of confinement of 25 years for the following offenses: sexual intercourse with a child under 13 years of age, sodomy of a child under 13 years of age, and object sexual penetration of a child under 13 years of age. The bill also provides that for those offenses and for abduction with intent to defile and abduction of a child under 16 years of age for immoral purposes if the term of confinement is less than life imprisonment, the judge shall impose, in addition to any active sentence, a suspended sentence of no less than 40 years and that the suspended sentence shall be suspended for the remainder of the defendant's life. Where the conviction is for sexual intercourse, sodomy or object sexual penetration involving a child under 13 years of age, any probationary period must include at least three years of active supervision under a postrelease supervision program operated by the Department of Corrections with a minimum of three years of electronic GPS (Global Positioning System) monitoring. In any case where a defendant is convicted of abduction, rape, carnal knowledge of a child between 13 and 15 years of age, sodomy, object sexual

penetration, aggravated sexual battery, or indecent liberties, and some portion of the sentence is suspended, the period of suspension must be at least equal to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned and the defendant must be placed on probation for that period of suspension. This bill was incorporated into SB 559.

Patron - Puckett

SB554 Sale of methamphetamine precursor drugs ephedrine and pseudoephedrine; penalty. Provides that no person shall offer methamphetamine precursor drugs (ephedrine and pseudoephedrine) for retail sale except from behind the counter or with other comparable restrictions. No more than three packages may be sold. No more than nine grams may be sold. The seller is also required to record the purchaser's name and the date of purchase. The purchaser must sign the purchase log. The log may not be revealed except to law enforcement. A violation of this provision is a Class 1 misdemeanor. This bill was incorporated into SB 146.

Patron - Stolle

SB570 Penalty for possession of controlled substances. Provides that any person who is convicted of a felony violation of possession of a controlled substance shall be punished by a mandatory minimum term of confinement of 45 days and shall be ordered by the court to undergo drug education and rehabilitation during his term of confinement.

Patron - McDougle

SB580 Type of licensure required of physicians who perform abortions. Provides that, for the purposes of the provisions of the Code regulating abortions, "physician," "licensed physician," and "physician licensed by the Board of Medicine to practice medicine and surgery," when in reference to a physician who performs or who is to perform an abortion, shall mean a physician who is board certified to practice surgery or obstetrics/gynecology or both.

Patron - Cuccinelli

SB649 Drug treatment courts. Eliminates the requirement for General Assembly approval when establishing drug treatment courts in localities of the Commonwealth and requires localities that intend to establish a drug court to apply to the state drug treatment court advisory committee which will review the application and make recommendations for approval or denial to the Chief Justice of the Supreme Court.

Patron - Lucas

Carried Over

HB387 Department of Charitable Gaming; regulation of charitable small card tournaments. Adds charitable small card tournaments to the games of chance that may be conducted as part of charitable gaming, which tournaments will be regulated by the Department of Charitable Gaming. A charitable small card tournament is defined as a game of chance involving a series of card games in which players are eliminated until one player is declared the overall winner and prizes may be awarded to the tournament winner and other runners up. The bill specifies the conditions under which this new type of charitable gaming may be conducted and requires the Board of Charitable Gaming to adopt regulations governing the management, operation, and conduct of such gaming. The bill limits the conduct of charitable small card tournaments to charitable organizations that are required to obtain a permit to conduct charitable gaming generally. The bill requires all card dealers to be registered with the Department and allows for them to be paid remuneration not to exceed \$75. The bill pro-

vides that no person participating in a charitable small card tournament as a card dealer shall serve as a charitable gaming manager during any charitable small card tournament in which he participates as a card dealer. The Board of Charitable Gaming is required to adopt emergency regulations to implement the provisions of this bill.

Patron - Reid

HB429 Arson; penalty. Elevates the arson of an unoccupied church to a Class 3 felony from a Class 4 felony.

Patron - Nutter

HB782 Elimination of the triggerman rule. Eliminates the "triggerman rule," which provides that only the actual perpetrator of a capital murder is eligible for the death penalty, and that accessories and principals in the second degree can only be punished with first degree murder.

Patron - Gilbert

HB995 Database breach notification. Requires an individual or a commercial entity that conducts business in Virginia and that owns or licenses computerized data that includes personal information to conduct in good faith a reasonable and prompt investigation when it becomes aware of a breach of the security of the system. If the investigation determines that misuse of information has or is reasonably likely to occur, the individual or commercial entity shall give notice to the Virginia resident as soon as possible. Notification must be made in good faith, in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement and with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system. The bill also contains alternative notification provisions. The Office of the Attorney General may bring an action in law or equity to address violations of this section and other appropriate relief.

Patron - Brink

HB1018 Capital murder. Provides that the willful, deliberate, and premeditated killing of a justice or judge of any Virginia court, when such killing is for the purpose of interfering with the performance of the judge's official duties or because of the judge's official duties, is capital murder.

Patron - Hurt

HB1067 Document verification for employment of illegal immigrants; penalty. Makes it a Class 1 misdemeanor to falsely represent that an alien worker has documentation indicating that he is legally eligible for employment. Each day of unlawful employment of each alien constitutes a separate civil offense punishable by a \$100 civil penalty.

Patron - Watts

HB1154 Database breach notification. Requires an individual or a commercial entity that conducts business in Virginia and that owns or licenses computerized data that includes personal information to notify a resident of Virginia of any breach of the security of the system immediately following the discovery of a breach in which unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Notification must be made in good faith, in the most expedient time possible, and without unreasonable delay, consistent with the legitimate needs of law enforcement and with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system. The bill also contains alternative notification provisions. For a private civil action to recover damages, the award is triple the amount of actual damages plus reasonable attorney fees. The Office of the Attorney General

may also bring an action in law or equity to address violations of this section and other appropriate relief.

Patron - Lingamfelter

HB1204 Alcohol or drug content of blood. Changes the term "rebuttable presumption" to "inference" in DUI, drunk boating, and commercial DUI statutes. Under current law, if an accused has a certain blood alcohol or drug level it is presumed that he was under the influence of alcohol or drugs at the time of the alleged offense, and this bill changes the term "presumed" to "inferred." The bill adds that the provisions of this act are declaratory of existing law.

Patron - Moran

HB1311 Capital murder of a person assisting in a criminal investigation; penalty. Adds to the list of offenses punishable as capital murder the willful, deliberate and premeditated killing of any person because he is assisting, would have assisted, or previously assisted in a criminal investigation or prosecution.

Patron - Gilbert

HB1460 Immigration status of youth gang criminals and families. Provides that upon the conviction of any person of a youth gang crime, the probation and parole officer shall verify the person's immigration status. If the officer discovers that the person is in the United States illegally, he shall report his status to the United States Immigration and Customs Enforcement Agency. The officer shall then contact the United States Immigration and Customs Enforcement Agency and report information he may have on the person and his family and household members.

Patron - Marsden

HB1557 Sex offenses prohibiting certain employment; penalty. Provides that any adult who has been convicted of rape, forcible sodomy, or object sexual penetration shall be prohibited from working or volunteering on property he knows or has reason to know is a public or private elementary or secondary school or child day center property. A violation of this section is punishable as a Class 6 felony.

Patron - Bell

SB292 Sexually explicit e-mails; penalty. Provides that it is a Class 6 felony to send a sexually explicit commercial e-mail without including the words "sexually-explicit" in capital letters as the subject line and as the opening phrase of the e-mail. There must also be clear and conspicuous identification that the message is an advertisement or solicitation and a clear and conspicuous statement that to avoid viewing the sexually explicit material a recipient should delete the e-mail. These requirements mirror the federal CAN SPAM Act.

Patron - Cuccinelli

SB368 Displaying video game ratings; penalty. Prohibits the open display to the public by any merchant of a video game that has been assigned a rating symbol by a national computer or video game industry organization indicating that the content of the game may be suitable only for persons age 17 or older unless the rating symbol is clearly and prominently printed on or affixed to the video game's box or package. A violation is a Class 1 misdemeanor.

Patron - Marsh

SB471 Alcohol or drug content of blood. Changes the term "rebuttable presumption" to "inference" in DUI, drunk boating, and commercial DUI statutes. Under current law, if an accused has a certain blood alcohol or drug level it is presumed that he was under the influence of alcohol or drugs at the time

of the alleged offense, and this bill changes the term "presumed" to "inferred."

Patron - Norment

Criminal Procedure

Passed

HB21 Notice to crime victims; bail release. Provides that crime victims shall be notified of the release of an accused on bail if they have provided their contact information.

Patron - Fralin

HB25 False identification to law-enforcement officer; penalty. Provides that any person who falsely identifies himself to a law-enforcement officer with the intent to deceive the law-enforcement officer as to his real identity after having been lawfully detained and being requested to identify himself, is guilty of a Class 1 misdemeanor.

Patron - Wright

HB125 Conservators of the peace. Adds special agents of the National Aeronautics and Space Administration to the list of persons who are conservators of the peace while in the performance of their official duties.

Patron - Lewis

HB127 Compensation of court-appointed counsel. Requires court-appointed counsel to make a written request within 30 days of trial or preliminary hearing for payment of his fees. As introduced this bill was a recommendation of the Committee on District Courts.

Patron - Kilgore

HB438 Investigations and reports by probation officers in certain cases. Allows the court to use a presentence report which contains only the defendant's criminal history, any history of substance abuse, any physical or health-related problems, and any applicable sentencing guideline worksheets. This expedited report shall be subject to all the same procedures as all other sentencing reports and sentencing guidelines worksheets, but shall not be used over the objection of the defendant or the Commonwealth.

Patron - Griffith

HB524 Criminal procedure; dissemination of criminal history record information. Provides for the dissemination of criminal history record information to shipyards for the purpose of screening potential employees and other personnel seeking access to shipyard facilities.

Patron - Oder

HB553 Statute of limitation for occupational and professional criminal violations. Provides that prosecution of any misdemeanor violation of § 54.1-111 (occupation and profession violations) shall commence within one year of the discovery of the offense by the claimant, but in no case later than five years from the occurrence.

Patron - Saxman

HB617 Profits from crime. Provides that profits from crime are subject to a special order of escrow, with the profits going to the victim. If there is money remaining after a judgment in favor of the victim is paid, or if there is no judgment in favor of a victim, 25 percent of the defendant's legal fees paid by the Commonwealth may be reimbursed to the Commonwealth and the defendant's fines and costs may be paid. Any

money remaining will be paid into the Literary Fund. Because Article VIII, Section 8 of the Virginia Constitution requires forfeited assets, other than those involved in the distribution of illegal drugs, to be deposited into the Literary Fund, under current law the money cannot be paid into the Criminal Injuries Compensation Fund.

Patron - O'Bannon

HB653 Criminal procedure; disposal of nonevidentiary substances or paraphernalia. Allows the chief law-enforcement officer of an agency to assign a designee who may order, with proper authorization of the attorney for the Commonwealth, the destruction of nonevidentiary substances or paraphernalia.

Patron - Lewis

HB789 Criminal procedure; compensation of expert witness. Eliminates the prohibition against compensating psychiatrists, clinical psychologists, or other experts who are employed by the Commonwealth and appointed by the court to render professional service in trials involving an insanity defense or after conviction in a case in which the offense indicates sexual abnormality, except those who are employed by the University of Virginia School of Medicine or the Medical College of Virginia Commonwealth University. The bill limits such compensation to that which is provided during non-state hours and that is approved as being outside the scope of state employment. This bill is identical to SB 251.

Patron - Brink

HB790 Revocation of conditional release; period following revocation. Extends the duration of the custody period following the revocation of a person's conditional release but before he is subject to hospitalization and treatment from 30 days to 60 days. This bill is identical to SB 250.

Patron - Melvin

HB791 Not guilty by reason of insanity; conditional release. Provides that when a person who has been found not guilty by reason of insanity is on conditional release, the fact that he voluntarily admits himself to a hospital does not automatically revoke his conditional release. This bill is identical to SB 289.

Patron - Brink

HB844 Indigent Defense Commission. States the Commission's authority and the duties that can be delegated to the executive director. The Commission is required to adopt rules and procedures for the conduct of its business and to ensure that the executive director complies with all Commission and statutory directives. The membership of the Commission is increased from 12 to 14, with the additional members appointed by the General Assembly. This bill is identical to SB 562.

Patron - Albo

HB863 Computer and electronic data seized in obscenity, etc., cases; access to defendant. Provides that when computer data or electronic data, the possession of which is otherwise unlawful, are seized as evidence in a criminal prosecution of an obscenity or child pornography offense involving child pornography, neither the original data nor a copy shall be released to the defendant or his counsel. The court is not allowed to order the release of such evidence to the defendant or his counsel except in accordance with the rules of discovery or under restricted conditions upon a finding that the data is necessary and material to the defense of the accused.

Patron - Byron

HB901 Criminal street gang members; conditions of probation. Provides that the court, when sentencing an active participant or member of a criminal street gang, may, as a condition of probation or a suspended sentence, place reasonable restrictions on with whom the accused may have contact. The bill creates an exception for those who are members of the person's family or household. This bill is identical to SB 344.

Patron - Iaquinto

HB986 Civil immunity; victim notification program. Provides that the Virginia Sheriffs' Association and the Virginia Community Policing Institute, and the directors, managers, members, officers and employees of such entities are immune from civil liability for their acts or omissions relating to the establishment and operation of an automated victim notification system unless such act or omission was the result of gross negligence or willful misconduct.

Patron - Sherwood

HB1022 Timing of defense objections; general district court. Clarifies that defense motions or objections seeking suppression of evidence or dismissal of the warrant need not be made before trial at the general district court level and that upon such motion made at trial a court shall grant a continuance upon motion of the Commonwealth.

Patron - Hurt

HB1028 Indigent defendants; appointment of counsel. Provides that if no attorney who is on the list maintained by the Indigent Defense Commission is reasonably available, the court may appoint as counsel an attorney not on the list who has otherwise demonstrated to the court's satisfaction an appropriate level of training and experience. The court is required to provide notice of the appointment to the Commission. These provisions will expire on July 1, 2008. This bill is identical to SB 6.

Patron - Hurt

HB1030 Field test for marijuana evidence at trial. Provides that in any trial for marijuana possession, any law-enforcement officer shall be permitted to testify as to the results of any field test approved by the Department of Forensic Science, regarding whether or not any plant material, the identity of which is at issue, is marijuana. The bill also provides an opportunity for defense counsel to require full laboratory analysis.

Patron - Hurt

HB1266 Criminal history background check of persons who enter the homes of others. Provides that any employer of persons whose employment requires that they enter the homes of others may acquire those persons' criminal history record information for the purpose of screening those individuals.

Patron - Janis

HB1322 Notice of release of acquittee. Provides that the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services shall give notice of the granting of an unescorted community visit to any victim of a felony offense against the person punishable by more than five years in prison that resulted in the charges on which a person was acquitted because of mental illness, or to the next-of-kin of the victim at the last known address, provided the person seeking notice submits a written request for such notice to the Commissioner.

Patron - Morgan

HB1345 Process for issuance of search and arrest warrants. Provides that where an appearance is required or permitted, and that appearance is made by two-way electronic video and audio communication, documents may be transmitted by facsimile between the magistrate, intake officer, or judge, and the person appearing before such magistrate, intake officer, or judge. Additionally, when seeking a search warrant, the person seeking the search warrant may file the required affidavit by electronically transmitted facsimile process.

Patron - Bell

HB1350 Constitutional challenges. Provides that the district court shall remove a case to circuit court if the defendant moves for dismissal on the basis that the statute is unconstitutional. Such motion shall be made prior to trial. The bill also allows a pretrial appeal by the Commonwealth if the circuit court dismisses a criminal warrant, information or indictment or charge on the ground that a statute is unconstitutional.

Patron - Bell

HB1425 Criminal procedure; collection of unpaid fines and costs by local treasurers. Authorizes a local treasurer pursuant to an agreement with the attorney for the Commonwealth and subject to existing law regarding collection of delinquent taxes and other charges, to collect administrative costs and fees normally collected when collecting unpaid fines and court costs.

Patron - Johnson

HB1431 Procedure upon arrest without warrant. Provides that a special conservator of the peace has the authority to affect arrests and to use up to the same amount of force as would be allowed to a law-enforcement officer when making a lawful arrest.

Patron - Oder

HB1490 Secure bonds; time within which default is recorded; remittance; power of attorney to be filed with Department of Criminal Justice Services. Provides that only the actual value of real estate or personal property be used to determine solvency for posting a bond. The bill extends from 60 to 150 days the time period before which a default is recorded, and extends the time for remittance of a default from one to two years. The bill also requires that any power of attorney executed creating an agent to execute a bail bond be filed with the Department of Criminal Justice Services.

Patron - Ware, O.

HB1509 Reporting identity theft to law-enforcement agencies. Provides that a consumer may report a case of identity theft to the law-enforcement agency where he resides. The bill also provides that upon receipt of a court order and upon request by such person, the Office of the Attorney General, in cooperation with the State Police, shall issue an "Identity Theft Passport" stating that such an order has been submitted.

Patron - Plum

HB1526 Community-based probation. Provides for placement of certain offenders within a community-based probation agency. The bill also provides that the court may revoke all or part of the suspended sentence if the offender refuses to comply with the community-based probation agency or if the offender commits a new offense while under agency supervision.

Patron - Moran

SB6 Court-appointed counsel. Provides that if no attorney on the list maintained by the Indigent Defense Commission is reasonably available, the court may appoint as counsel an attorney not on the list who has otherwise demonstrated to the Commission's satisfaction an appropriate level of training and experience. This bill is identical to HB 1028.

Patron - Reynolds

SB250 Revocation of conditional release of acquittees; period following revocation. Extends the duration of the custody period following the revocation of a person's conditional release but before he is subject to hospitalization and treatment from 30 days to 60 days. This bill is identical to HB 790.

Patron - Puller

SB251 Criminal procedure; compensation of expert witness. Eliminates the prohibition against compensating psychiatrists, clinical psychologists, or other experts who are employed by the Commonwealth and are appointed by the court to render professional service in trials involving an insanity defense or after conviction in a case in which the offense indicates sexual abnormality. The bill limits such compensation to that which is for professional services rendered during nonstate hours and approved by the expert's employing agency as being beyond the scope of the expert's state employment duties. This bill is identical to HB 789.

Patron - Puller

SB288 Revocation of conditional release; expedited hearing. Requires that a hearing on revocation of conditional release of one acquitted by reason of insanity be scheduled on an expedited basis and given priority over other civil matters before the court.

Patron - Blevins

SB289 Not guilty by reason of insanity; conditional release. Provides that when a person who has been found not guilty by reason of insanity is on conditional release, the fact that he voluntarily admits himself to a hospital does not automatically revoke his conditional release. This bill is identical to HB 791.

Patron - Blevins

SB344 Criminal street gang members; condition of probation. Provides that the court, when sentencing an active participant or member of a criminal street gang, may, as a condition of probation or a suspended sentence, place reasonable restrictions on with whom the accused may have contact. The bill creates an exception for those who are members of the person's family or household. This bill is identical to HB 901.

Patron - Obenshain

SB381 Recognizance bonds; default. Deletes provision that if the amount of the recognizance forfeited is in excess of the jurisdictional amount of the district court, process is returnable to the circuit court. This conforms the section amended by this bill to § 16.1-77 which was amended in 2004 to provide that the \$15,000 limit does not apply to bond forfeiture. This bill is a recommendation of the Committee on District Courts.

Patron - McDougle

SB549 Defense objections in criminal proceeding. Clarifies that defense motions or objections seeking suppression of evidence or dismissal of the warrant need not be made before trial at the general district court level and that upon such

motion made at trial a court shall grant a continuance upon motion of the Commonwealth.

Patron - Reynolds

SB562 Indigent Defense Commission. States the Commission's authority and the duties that can be delegated to the executive director. The Commission is required to adopt rules and procedures for the conduct of its business and to ensure that the executive director complies with all Commission and statutory directives. The membership of the Commission is increased from 12 to 14, with the additional members appointed by the General Assembly. This bill is identical to HB 844.

Patron - Stolle

SB566 Presentence investigations and reports. Clarifies that presentence reports are required in certain cases, such as sex offenses. Adds to the sex offenses abduction with intent to defile or to prostitute a child under 16 or assisting in such abductions, and attempted aggravated sexual battery.

Patron - Stolle

SB567 Dissemination of juvenile record information. Allows the Virginia Criminal Sentencing Commission access to juvenile record information for research purposes.

Patron - Stolle

SB578 Presumption of no bail for person charged with certain sex offenses. Provides that a person charged with aggravated sexual battery is rebuttably presumed ineligible for bail. Currently such a person is presumed ineligible when he is charged with a second such offense. The bill is not effective unless appropriate funding for it is provided in the budget bill.

Patron - McDougle

SB579 DNA analysis after arrest for capital murder or attempted capital murder. Requires that a person arrested for capital murder or attempted capital murder have a sample of saliva or tissue taken for DNA analysis.

Patron - McDougle

SB637 Issuance of warrants by circuit court judges. Provides that a circuit court judge, upon the motion of the attorney for the Commonwealth, shall issue a warrant to seize property named in an information.

Patron - Quayle

Failed

HB79 Impoundment of motor vehicle for driving with a suspended operator's license. Provides that a person arrested for driving on a suspended license, suspended for any reason, shall have his car impounded for the period of the suspension or 30 days, whichever is greater. Currently, the impoundment is only for 30 days and is only effected for certain types of suspensions, such as DUI.

Patron - Spruill

HB97 Power of magistrates to issue felony arrest warrants. Provides that no magistrate may issue an arrest warrant upon the basis of a citizen complaint, for a felony offense, without prior authorization from the attorney for the Commonwealth in his jurisdiction, unless the person who is to be issued the warrant has already been placed under arrest by a law-enforcement officer.

Patron - Cosgrove

HB99 Appeal of district court decision by the Commonwealth. Allows the Commonwealth to appeal to the Court

of Appeals a decision by a district court in which the district court finds a criminal statute unconstitutional.

Patron - Cosgrove

HB152 Power of magistrates to issue felony arrest warrants. Provides that no magistrate may issue an arrest warrant upon the basis of a citizen complaint, for a felony offense, without prior authorization from the attorney for the Commonwealth in his jurisdiction, unless the person who is to be issued the warrant has already been placed under arrest by a law-enforcement officer.

Patron - Alexander

HB181 Authority for arrest without warrant for motor vehicle code violations. Allows law-enforcement officers to arrest without a warrant the driver of any motor vehicle if the arresting officer is in uniform, displays his badge of authority, and has observed a violation of § 46.2-821 (failure to yield right of way) or 46.2-833 (failure to obey traffic light) or has received a radio message from the officer who observed the violation.

Patron - McEachin

HB188 Sentencing; death sentence. Requires in sentencing capital cases at the request of the defendant, a jury shall be instructed that an individual who was sentenced to death in the Commonwealth and twice scheduled to be executed was later granted an absolute pardon absolving him of guilt for a capital murder conviction on the basis of DNA testing, and that eyewitness identifications have been shown in many cases to be inaccurate and highly susceptible to suggestion, in addition to the requirement under current law that the jury be told that a defendant is not eligible for parole if sentenced to imprisonment for life.

Patron - Marshall, R.G.

HB247 Electronic notice of sex offender registration. Provides that any person may request from the State Police and, upon compliance with the requirements therefor established by the State Police, shall be eligible to receive from the State Police electronic notice of the registration or reregistration of any sex offender. This bill was incorporated into HB 984.

Patron - Shannon

HB271 Electronic notice of sex offender registration. Provides that any person may request from the State Police and, upon compliance with the requirements therefor established by the State Police, shall be eligible to receive from the State Police electronic notice of the registration or reregistration of any sex offender. This bill was incorporated into HB 984.

Patron - Poisson

HB313 Compensation of court-appointed counsel. Removes the monetary caps on court-appointed counsel fees and instead allows the court to set an hourly rate based on the type of case.

Patron - Albo

HB385 Grand juries. Provides that a judge shall permit an individual who wishes to testify before a regular grand jury or a special grand jury to do so unless the judge makes a written finding that the testimony of that individual would present a substantial physical danger to the grand jurors or would likely invalidate any true bills issued by the grand jury. The judge's written finding may be appealed to the Court of Appeals.

Patron - Dance

HB414 Qualifications for court-appointed counsel. Allows a court to waive the qualification requirements as the Commission is currently allowed. This bill was incorporated into HB 1028.

Patron - Griffith

HB433 Bail bondsmen; equity ratio of property and outstanding bonds. Allows a bail bondsman to write bonds up to four times the value of his financial holdings (current law requires a 1:1 ratio), and provides that no single bond shall represent more than 25 percent of his collateral.

Patron - Griffith

HB510 Providing certificate of analysis to defense counsel. Removes the requirement that any certificate of analysis prepared by the Division of Consolidated Laboratory Services or the Department of Forensic Science or authorized by either of them be provided to defense counsel before a criminal trial in which the certificate is to be used as evidence. This bill was incorporated into HB 1469.

Patron - Armstrong

HB541 Criminal history record information.

Allows a person, who has applied to be a volunteer with the council of the Girl Scouts of the USA or the Boy Scouts of America serving troops in Virginia, to receive his own criminal history information at no charge.

Patron - McClellan

HB627 Modification of sentence by a judge prior to a defendant's transfer to corrections facility. Provides that a court may modify the sentence of a convicted person prior to his transfer to any correctional facility. Currently, the court may do so only if the person is to be sent to a Virginia Department of Corrections facility.

Patron - Johnson

HB722 Linguistic style of grand jury instructions. Modernizes the style of grand jury instructions into language actually used by people today.

Patron - McQuigg

HB755 Certification of laboratories that perform DNA analyses. Provides that all DNA analyses offered as criminal evidence shall have been performed by laboratories accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB).

Patron - McEachin

HB785 Modification of sentencing guidelines for methamphetamine; penalty. 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 - Gilbert

HB794 Forfeiture of certain weapons; firearms; altered serial numbers. Prohibits the return of a firearm confiscated during the commission of a crime if the serial number on the firearm has been altered.

Patron - Hogan

HB988 Sex offender residency prohibition. Provides that every adult who is required to register as a sex offender or child offender pursuant to § 9.1-902, when the offense occurred on or after July 1, 2006, shall be forever prohibited from residing in a community correctional facility that is within one mile of the premises of any child day center or a

primary, secondary, or high school. This bill was incorporated by HB 984.

Patron - Shannon

HB1101 Civil commitment of sexually violent predators. Adds to the list of offenses that qualify as sexually violent offenses: abduction with intent to defile, abduction of a child under 16 years of age for the purpose of prostitution, carnal knowledge of a child between 13 and 15 years of age, carnal knowledge of minors in custody of the court or state, crimes against nature, indecent liberties, indecent liberties with children and indecent liberties with child by person in custodial or supervisory relationship. The requirement that the complaining witness be under 13 years of age for aggravated sexual battery to qualify is removed. A felony conviction for conspiracy to commit or attempt to commit any of the qualified offenses is added as a qualifying offense. Incompetent defendants will be reviewed by the Commitment Review Committee. The bill provides that the Static-99 will be used to identify prisoners who will be forwarded to the Commitment Review Committee (CRC) for assessment. The bill also adds abduction with intent to extort money or for immoral purposes to the felonies for which a presentence report is required. The Commitment Review Committee and Attorney General, for the purpose of sexually violent predator civil commitments, are added as persons having a legitimate interest in child protective services records. This bill was incorporated into HB 1038.

Patron - Griffith

HB1140 Sentencing; reimbursement for payment of reward. Allows a judge to require, after conviction, that a defendant reimburse any person or entity for a reward offered and paid for information leading to the defendant's arrest and conviction.

Patron - Cline

HB1159 High-speed pursuit policy. Provides that on and after January 1, 2007, every law-enforcement agency in the Commonwealth that is or may be engaged in emergency response and vehicle pursuits shall adopt a written policy that sets forth the manner in which such operations shall be conducted.

Patron - Eisenberg

HB1203 Public defenders; compensation. Allows any county or city, in its discretion, to supplement the compensation of the public defender or any of his deputies or employees above the salary fixed by the executive director of the Commission.

Patron - Moran

HB1262 Procedures in forfeiture cases. Provides that discovery in drug forfeiture proceedings shall be had according to the criminal rules of discovery, that a jury shall consist of five people, and that the Commonwealth may take a nonsuit. Currently, none of these procedures is addressed in the forfeiture law.

Patron - Janis

HB1269 Forfeiture. Consolidates forfeiture provisions that are currently spread throughout the Code and makes them subject to consistent procedures for enforcement. Included in the consolidation are forfeitures related to cigarettes, adulterated food and dairy products, motor vehicles used in connection with contraband alcoholic beverages and DUI convictions, illegal gambling, child pornography, conflicts of interests of a governmental official, fishing violations, illegal hunting, drag racing, unlawful importing, and sale of fuel.

Patron - Janis

HB1309 Criminal history of a juvenile as element in determination of bail. Provides that the juvenile criminal history of a person is specifically considered when the determination is made whether to release a person on bail.

Patron - Gilbert

HB1321 Expungement of marijuana charges. Provides that anyone who has had a charge of possession of marijuana discharged and dismissed in accordance with the provisions of § 18.2-251, more than ten years prior to his petition for expungement, may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge. The bill adds that the Department of Criminal Justice Services shall maintain a record of an expungement of a dismissal under § 18.2-251 for the purpose of a second prosecution under § 18.2-250 or 18.2-250.1.

Patron - Morgan

HB1335 Photographs of explosives admissible in criminal prosecutions. Provides that in any prosecution involving an explosive material, bomb, or device defined in § 18.2-85, photographs of the material, bomb, or device shall be deemed competent evidence of such material, bomb, or device and shall be admissible in any proceeding, hearing, or trial of the case to the same extent as if such material, bomb, or device had been introduced as evidence.

Patron - Bell

HB1461 Who may serve on a criminal jury. Provides expressly those who are forbidden to serve on a criminal jury.

Patron - Marsden

HB1527 Who may serve on a criminal jury. Provides expressly those who are forbidden to serve on a criminal jury.

Patron - Armstrong

SB17 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 - Marsh

SB151 Criminal street gangs. Authorizes probation officers to share with law-enforcement officers information on the criminal street gang membership of probationers. This bill was incorporated into SB 561.

Patron - Deeds

SB317 Civil commitment of sexually violent predators. Adds to the list of offenses that qualify as sexually violent offenses: abduction with intent to defile, abduction of a child under 16 years of age for the purpose of prostitution, carnal knowledge of a child between 13 and 15 years of age, and carnal knowledge of minors in custody of the court or state. The requirement that the complaining witness be under 13 years of age for aggravated sexual battery to qualify is removed. A felony conviction for conspiracy to commit or attempt to commit any of the qualified offenses is added as a qualifying offense. Incompetent defendants will be reviewed by the Commitment Review Committee. The bill provides that the Static-99 will be used to identify prisoners who will be forwarded to the Commitment Review Committee (CRC) for assessment and that if the Director of the Department of Corrections and the Commissioner of Mental Health, Mental Retardation and Substance

Abuse Services agree that no specific scientifically validated instrument exists to measure the risk assessment of a prisoner, the prisoner may be evaluated by a psychiatrist or psychologist to determine if he should be forwarded to the CRC. A person on conditional release will be subject to mandatory GPS monitoring. The bill also adds abduction with intent to extort money or for immoral purposes to the felonies for which a presentence report is required. The provisions regarding qualifying offenses will be effective January 1, 2007, the remainder of the bill will be effective July 1, 2006. This bill was incorporated into SB 559.

Patron - Howell

SB335 Modification of sentencing guidelines for methamphetamine. Provides that for a conviction involving a 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 - Obenshain

SB341 Jurisdiction of corporate authorities of cities and towns. Extends the jurisdiction of cities and towns to traffic offenses within one mile beyond their corporate limits. Currently, the one mile rule applies to only criminal offenses.

Patron - Obenshain

SB360 Mentally ill defendants; technical changes. Provides that a defendant in a criminal matter may be hospitalized if so seriously mentally ill as to be unable to care for himself. Under current law the standard is "imminently dangerous to himself or others." The provision applies to pretrial, after conviction but before sentencing and after sentencing. This bill was incorporated into SB 310.

Patron - Edwards

SB469 Constitutional challenges. Provides that the district court shall remove a case to circuit court if the defendant moves for dismissal on the basis that the statute is unconstitutional. The bill also allows a pretrial appeal by the Commonwealth if the circuit court dismisses a criminal warrant, information or indictment or charge on the ground that a statute is unconstitutional. The bill specifies that a nolle prosequi shall be entered upon motion of the Commonwealth and removes the provision that it is in the discretion of the court for good cause shown. This bill was incorporated into SB 298.

Patron - Norment

SB572 Sentencing revocation reports. Requires the completion and use of sentencing revocation reports in cases involving violations of probation or community supervision in the same manner as sentencing guidelines are currently used by the courts.

Patron - Stolle

SB573 Compensation of court-appointed counsel. Removes the monetary caps on court-appointed counsel fees and instead allows the court to set an hourly rate based on the type of case.

Patron - Stolle

SB639 Forensic evaluations. Provides for an increase in the fee cap received by mental health experts who have been appointed by the court to render professional service from \$400 to \$750.

Patron - Puller

SB674 Criminal records; disclosure of expunged records. Eliminates the opportunity by the attorney for the

Commonwealth to gain access to criminal records expunged by a court.

Patron - Puckett

SB694 Civil commitment of sexually violent predators. Adds to the list of offenses that qualify as sexually violent offenses: abduction with intent to defile, abduction of a child under 16 years of age for the purpose of prostitution, and carnal knowledge of a child between 13 and 15 years of age. The requirement that the complaining witness be under 13 years of age for aggravated sexual battery to qualify is removed. A felony conviction for conspiracy to commit or attempt to commit any of the qualified offenses is added as a qualifying offense. Incompetent defendants will be reviewed by the Commitment Review Committee. The bill provides that the Static-99 will be used to identify prisoners who will be forwarded to the Commitment Review Committee (CRC) for assessment. The bill also adds abduction with intent to extort money or for immoral purposes to the felonies for which a presentence report is required. The Commitment Review Committee and Attorney General, for the purpose of sexually violent predator civil commitments, are added as persons having a legitimate interest in child protective services records. This bill was incorporated into SB 559.

Patron - Cuccinelli

Carried Over

HB176 Criminal procedure; compensation of court-appointed counsel. Authorizes the court, in cases where court-appointed counsel represents a defendant on a felony charge that may be punishable for a period of more than 20 years, to provide additional compensation of up to \$850 for such counsel when the time and effort expended, the result obtained, the novelty and difficulty of the issues, or other circumstances warrant such additional compensation.

Patron - Putney

HB616 Sentencing proceeding. Clarifies that victim impact testimony is to be admitted during a jury sentencing hearing at the same time that prior convictions are admitted.

Patron - O'Bannon

HB1567 Special conservators of the peace; jurisdiction. Allows a special conservator of the peace to operate outside of the jurisdiction of his appointment if the sheriff, chief of police, or corporation that made the application for appointment notifies the new jurisdiction in which the conservator needs to operate and the Department of Criminal Justice Services, via registered mail. The terms and conditions of the conservator's appointment shall apply in the new jurisdiction.

Patron - Lingamfelter

HB1587 National criminal background checks. Requires businesses and organizations to conduct national criminal background checks on employees and volunteers providing care to children, the elderly and disabled.

Patron - Hurt

SB35 Not guilty by reason of insanity. Requires that before a hospitalized acquittee may be granted a temporary (no more than 48 hours) visit from the hospital there be court approval that the visit would be therapeutic and would not pose a danger to others. Under current law, the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services may authorize such a visit if the acquittee is not a substantial danger to others.

Patron - Reynolds

SB154 Chain of custody form. Provides that a chain of custody form attested to by the employee of a law-enforcement agency responsible for the custody of physical evidence is prima facie evidence of the chain of custody.

Patron - Norment

SB209 Destruction of criminal exhibits. Provides that the trial court may not order the destruction or donation of exhibits used in evidence without prior notice to the counsel for the parties and until expiration of five years from the date the judgment of the court became final.

Patron - Edwards

SB239 Payment of fine, costs, forfeitures, penalties or restitution. Requires the court to review, if requested by the defendant, the defendant's deferred or installment payment schedule for fines and costs, to ensure that such payments are consistent with his ability to pay.

Patron - Ticer

SB286 Certification of laboratories that perform DNA analyses. Provides that all DNA analyses offered as criminal evidence shall have been performed by laboratories certified to perform such analyses.

Patron - Lucas

SB310 Mentally ill defendants; technical changes. Provides that a defendant in a criminal matter may be hospitalized if so seriously mentally ill as to be unable to care for himself. Under current law the standard is "imminently dangerous to himself or others." The provision applies to pretrial, after conviction but before sentencing and after sentencing.

Patron - Cuccinelli

SB384 Procedures in forfeiture cases. Provides that discovery in drug forfeiture proceedings shall be had according to the criminal rules of discovery, that a jury shall consist of five people, and that the Commonwealth may take a nonsuit. Currently, none of these procedures is addressed in the forfeiture law.

Patron - McDougle

SB577 Warrantless searches of the person, vehicle and residence of a probationer. Provides that a law-enforcement officer may search without a warrant a person who has been placed on probation by a judge in a felony case against him, and that the law-enforcement officer may enter and search, without a warrant, any residence of and any vehicle owned or operated by such probationer. The provision would only apply when the probationer waived his right to be secure from, and agreed to submit to, such warrantless searches as a condition of his probation.

Patron - McDougle

SB604 Criminal background checks; fingerprinting. Provides that programs of religious instruction may obtain full, fingerprint-based criminal background checks for prospective employees.

Patron - Puller

SB611 Therapeutic incarceration; creation of incarceration program for defendants who are substance abusers. Creates a Therapeutic Incarceration Program to which the court can confine a defendant sentenced for three or more years who needs substance abuse treatment. The program will be at least 18 months in duration, and upon successful completion of the program the court shall order supervised probation. The bill provides for withdrawal from and re-entry into

the program. The Department of Corrections is required to evaluate the program after one year of operation.

Patron - Puckett

CSB619 Restitution. Provides for the Commonwealth to be responsible for seeking restitution for the victim. The bill creates a system under which the clerk of court is responsible for collecting, tracking, and distributing restitution payments. This responsibility can also be designated to local bonding agencies as desired. Additionally, the bill states that any collection fees for delinquent restitution payments are to be paid by the defendant. Any restitution installment plan payments more than 90 days in default are to be voided and sent to collection; however, the defendant does retain the option of entering into a new payment plan.

Patron - Deeds

CSB679 Physical castration as an alternative to indeterminate civil commitment of a violent sexual predator. Provides that in the case of a prisoner who has been determined to be a sexually violent predator, when the only alternative is involuntary secure inpatient treatment, the court may, on petition of the prisoner, order, as an alternative to involuntary secure inpatient treatment, that the prisoner (i) undergo physical castration and (ii) be placed on conditional release, in a manner and in accordance with terms and conditions developed by the Commissioner and the Department of Corrections.

Patron - Hanger

Domestic Relations

Passed

PHB239 Domestic relations; fee for marriage. Provides that a person authorized by a circuit court judge to celebrate the rites of marriage in the Commonwealth may charge \$50 for the ceremony. This provision does not apply to ministers.

Patron - Suit

PHB401 Child support obligations; incarcerated obligee. Gives a preference in work programs to any parent who agrees to give a minimum of 50 percent of earnings to his child support obligation.

Patron - Marsden

PHB723 Court decree as to property; equitable distribution. Changes the statute to address problems raised in *Fowlkes v. Fowlkes*, 42 Va. App. 1, (2003). Ensures that separate and marital contributions made to marital assets are all accounted for in the equitable distribution process.

Patron - McQuigg

PHB731 Determination of child or spousal support; factors. Revises, clarifies the wording, expands, and eliminates some of the factors that the court may consider in deviating from the guideline amount. Deviation factors were changed to allow for evaluation of the good faith and reasonableness of the parent's employment decisions when considering imputed income based on a party's change in employment, consideration of the cost of visitation travel, and consideration of the standard of living for the child during the marriage, rather than the family. There is a provision that the amendments are not retroactive and cannot be the basis for a material change in cir-

cumstances upon which a modification of child support may be based. This bill is identical to SB 167.

Patron - McQuigg

PHB1108 Child support orders; effective date. Specifies the date that judicial and administrative support orders are effective and payment due dates. A judicial support order is effective in an initial proceeding on the date of filing of the petition and in a modification proceeding the effective date may be the date of notice to the responding party. An administrative support order shall be effective on the date of service. There are provisions for prorating payments for the first month.

Patron - Athey

PSB167 Child support; deviations. Revises, clarifies the wording, expands, and eliminates some of the factors that the court may consider in deviating from the guideline amount. Deviation factors were changed to allow for evaluation of the good faith and reasonableness of the parent's employment decisions when considering imputed income based on a party's change in employment, consideration of a parent's financial resources and special needs, consideration of the cost of visitation travel, and consideration of the standard of living for the child during the marriage, rather than the family. There is a provision that the amendments are not retroactive and cannot be the basis for a material change in circumstances upon which a modification of child support may be based. This bill is identical to HB 731.

Patron - Quayle

PSB168 Child support; income withholding. Provides that when there is more than one child support withholding order against an obligor, the employer shall prorate among the orders based upon the current amounts due, with any remaining amounts prorated among the orders for any accrued arrearages.

Patron - Quayle

PSB169 Child support. Requires that administrative and court support orders contain a statement that if any arrearages for child support, including interest or fees, exist at the time the youngest child included in the order emancipates, payments shall continue in the total amount due (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages are paid.

Patron - Quayle

PSB300 Revision of child support, etc. decrees; expedited hearing. Provides that any member of the Armed Forces Reserves, Virginia National Guard, or Virginia National Guard Reserves who files a petition or is a party to a petition requesting the adjudication of the custody, visitation or support of a child based on a change in circumstances because one of the parents has been called to active duty, shall be entitled to have such a petition expedited on the court's docket.

Patron - Cuccinelli

PSB369 Certain domestic relations documents. Amends a Code section added in 2005 that provides that certain required information (social security numbers and financial information) be contained in a separate addendum rather than in the petition, pleading, motion, order, or decree to add a requirement that the attorney or party who prepares the petition, etc. ensure that such an addendum be incorporated by reference into such petition, etc. This bill is a recommendation of the Judicial Council.

Patron - Saslaw

Failed

HB135 Domestic relations; fee for marriage. Increases from \$30 to \$50 the fee any person authorized to celebrate the rites of marriage may charge the parties for the ceremony.

Patron - Cosgrove

HB197 Marriage licenses. Requires the parties contemplating marriage to choose one of two types of marriage license: a license with grounds for divorce or a license without grounds for divorce. A license with grounds for divorce requires the parties to prove either adultery, a felony conviction, or cruelty to be granted a divorce. A license without grounds for divorce allows the parties to get a divorce based on any grounds including living separate and apart for the requisite time currently allowed under the law.

Patron - Marshall, R.G.

HB234 Domestic violence victim fund; name change; funding. Changes the name of the fund to Sexual & Domestic Violence Victim Fund and provides for funding by adjusting fixed felony fees, fixed felony reduced to misdemeanor fees, fixed misdemeanor fees, and fixed drug misdemeanor fees. This bill was incorporated into HB 1409.

Patron - Jones, D.C.

HB389 Domestic relations; Affirmation of Marriage Act. Repeals the Affirmation of Marriage Act.

Patron - Englin

HB633 Payment of child-care costs by noncustodial parent; school matriculation. Requires the noncustodial parent to pay a proportional share of child-care costs while the custodial parent attends high school, college, or vocational school.

Patron - Phillips

HB732 Child support; self-support reserve. Provides a "self-support reserve" for parents with incomes below \$1,200 per month. If a parent (whether custodial or noncustodial) has a monthly income less than \$800, that parent's income is disregarded in computing the child support obligation. If a parent's income is more than \$800 but less than \$1,200, \$400 is deducted from the parent's income when computing the obligation.

Patron - McQuigg

HB733 Child support; revisions to guidelines. Revises the Schedule of Monthly Basic Child Support Obligations as recommended by the Virginia Guideline Review Panel. The bill contains a provision that the amendments will not be retroactive and shall not be the basis for a material change in circumstances upon which a modification of child support may be based.

Patron - McQuigg

HB742 Child support guideline. Excludes from gross income any one-time, or very infrequent, receipt of money or value that is not expected to be repeated, as, for example, a capital gain, inheritance, gift, prize, or award.

Patron - McQuigg

HB764 Divorce; separation agreements. Specifies that where there are no minor children and the parties have been separated for six months the property settlement agreement may be either written or oral.

Patron - Sickles

HB795 Child support obligations; incarcerated obligee. Allows incarcerated persons who owe child support a chance to have their obligation adjusted during incarceration; gives credit on arrearages for timely payment while incarcerated; and gives a preference in work programs for any ex-convict who has a child support obligation.

Patron - Shuler

HB798 Virginia domestic violence victim fund; emergency funds. Provides that funds shall be made available for victims of domestic violence when a protective order is served on the primary source of monetary support for the family.

Patron - Fralin

HB840 Child support; prepayment. Allows an obligor to prepay child support obligations. Requires the obligor to acknowledge that his obligation may change and that the Department of Social Services is not responsible for any interest on moneys returned.

Patron - Frederick

HB1301 Death benefits; former spouse. Amends a provision enacted in 1993 stating that divorce revokes the designation of a former spouse as a beneficiary of a "death benefit" by revising the definition of "death benefit" to exclude payments under a life insurance contract. A provision that requires life insurance and annuity contracts to explain that Virginia law revokes the spouse as beneficiary upon divorce is revised to include only annuity contracts, since life insurance benefits will no longer be considered death benefits.

Patron - Alexander

HB1412 Domestic relations; minimum age of marriage with consent of parents. Eliminates loophole for adults who have had consensual carnal knowledge of a minor without getting the minor pregnant by requiring that adult to obtain consent from the parent or guardian before marrying the minor.

Patron - Athey

HB1564 Support orders; income deduction. Eliminates the ability of the court to set up income withholdings as a part of any support order, initial or otherwise, so that any person subject to an income withholding pursuant to a support order has a right to notice and, upon objection, the right to a hearing.

Patron - Jones, D.C.

HB1565 Child support obligations; incarcerated obligee. Requires the court, upon sentencing a person for at least 12 months of incarceration, to give notice to that person of the right to have his support obligation adjusted during incarceration, and arrests the accrual of interest and costs during the incarceration period.

Patron - Jones, D.C.

HB1566 Child support guidelines; net income as basis for calculating obligation. Changes the guidelines to establish net income (gross income minus federal & state income taxes as well as FICA contributions) as the basis for establishing child support obligations.

Patron - Jones, D.C.

SB41 Divorce; separation agreements. Specifies that where there are no minor children and the parties have been separated for six months an agreement evidencing an intention to separate permanently may be either written or oral.

Patron - Puller

FSB123 Virtual visitation; definition; adjudication. Provides the definition of virtual visitation and states that the court can adjudicate virtual visitation if the equipment is reasonably available.

Patron - O'Brien

FSB220 Child support guideline. Revises the Schedule of Monthly Basic Child Support Obligations. The bill is a recommendation of the Virginia Guideline Review Panel. The Panel's report states "The table of values for child support for one through six children was generated by applying the income inflation and the cost inflation factors for the past 17 years to the existing guideline table." The bill contains a provision that the amendments will not be retroactive and shall not be the basis for a material change in circumstances upon which a modification of child support may be based.

Patron - Quayle

FSB221 Child support; self-support reserve. Provides a "self-support reserve" for parents with incomes below \$1200 per month. If a parent (whether custodial or non-custodial) has a monthly income less than \$800 that parent's income is disregarded in computing the child support obligation, unless the other parent's income is below \$1200 per month. If a parent's income is between \$800 and \$1200, \$400 is deducted from the parent's income when computing the obligation, unless the other parent's income is below \$800 per month.

Patron - Quayle

FSB414 Birth certificates; same-sex couples. Prohibits both parties of a same-sex couple from being listed on a Virginia birth certificate following the adoption of a child in another jurisdiction.

Patron - Hanger

FSB439 Sole physical custody. Clarifies that the court may grant joint legal custody along with sole physical custody and sets out a definition that one person retains responsibility for the daily care and control of the child and reasonable visitation arrangements are provided for the noncustodial parent appropriate to the age, health, and development level of the child in a manner least disruptive to the child's routine.

Patron - Lambert

FSB444 Marriage license; proof of citizenship. Requires the circuit court clerk issuing any marriage license to ensure that each of the parties contemplating marriage provide, under oath, valid documentary evidence that each of the applicants is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, or (iii) a conditional resident alien of the United States. An original license, permit, or special identification card issued by the Virginia Department of Motor Vehicles shall satisfy these requirements. Any person who makes false statements or presents false documentation shall be guilty of perjury.

Patron - Devolites Davis

FSB445 Divorce decrees. Removes the requirement that a decree of divorce include each party's social security number. The social security number is included with other personal identifying information on an addendum filed with the decree. This bill was incorporated into SB 369.

Patron - Devolites Davis

FSB489 Child support orders; effective date. Specifies the date that judicial and administrative support orders are effective and payment due dates. A judicial support order is effective in an initial proceeding on the date of filing of the petition and in a modification proceeding the effective date

may be the date of notice to the responding party. An administrative support order shall be effective on the date of service. There are provisions for prorating payments for the first month.

Patron - Quayle

Carried Over

CSB569 Custody and visitation; mental health records. Provides that in custody or visitation cases the court may order, for good cause shown, disclosure of otherwise privileged and confidential mental health records concerning a parent. Using the same standard, the court may order the mental health care provider to testify on behalf of or against a parent or adult relative of the parent. The current law does not apply to mental health providers conducting an independent mental health evaluation pursuant to a court order, this bill includes a child's therapist and a co-parenting counselor to that exception. This bill is a recommendation of the Boyd-Graves Conference.

Patron - McDougle

Education

Passed

PHB19 Education; calculation of high school graduation rates. Directs the Board of Education to collect, analyze, and report high school graduation and drop out data using a formula prescribed by the Board. The measure contains a delayed enactment clause providing that the amendments to § 22.1-253.13:4 will take effect October 1, 2008. A second enactment clause, which will take effect on July 1, 2006, requires the Board of Education to report to the House Committee on Education and the Senate Committee on Education and health by December 1, 2006, on the formula to be used for the uniform assessment of high school graduation rates. In developing the formula, the Board is also required to consider the 2005 Report of the National Governors Association Task Force on State High School Graduation Data.

Patron - Fralin

PHB20 Electronic storage of scholastic records. Allows local school divisions to electronically store and maintain student scholastic records. The amendment conforms to the definition of "record" in the federal Family Educational Rights and Privacy Act (FERPA).

Patron - Fralin

PHB58 Education; Internet safety instruction. Adds to the acceptable Internet use policies developed by the division superintendents a requirement that such policies include a component on Internet safety for students that is integrated in a division's instructional program. The measure contains an enactment clause providing that within 45 days of the enactment of the act, the Superintendent of Public Instruction must issue a superintendent's memorandum advising school divisions of the provisions in the act and encourage cooperation with local law enforcement agencies in its implementation.

Patron - Fralin

PHB95 Registration of new student. Requires a parent, guardian, or other person having control or charge of a child of school age to provide to a public school, upon registration of a student, information concerning certain criminal convictions or delinquency adjudications. When the registration results from foster care placement, the information shall be furnished by the

local social services agency or licensed child-placing agency that made the foster care placement. This bill is identical to SB 656.

Patron - Lewis

HB215 Elective course in comparative religion. Amends the statute authorizing comparative religion electives in grades nine through 12. Currently, the law states that local school boards must authorize such electives. The bill states that the Board of Education, rather than local school boards, must provide authorization for comparative religion classes and thereby gives discretion to local school boards to determine whether such elective courses will be offered in their school divisions. This bill is identical to SB 62.

Patron - Tata

HB216 Standards for remediation programs; students required to attend summer school. Aligns language regarding the Standards of Learning assessments with amendments made to the Standards of Quality during the 2004 Session. The bill reflects the Commonwealth's decision to shift from testing in grades three, five, and eight to testing annually in grades three through eight.

Patron - Tata

HB240 Education; no tuition charges for certain children of relocated military personnel. Provides that tuition shall not be charged to children of active members of the military who are ordered to locate to military housing located in a different school division than the one the child is attending at the time of the order to relocate. Such children shall be allowed to continue attending school in the school division they attended immediately prior to the relocation and shall not be charged tuition for attending such school. The school division in which such children are enrolled subsequent to their relocation to base housing are not responsible for providing for their transportation to and from school.

Patron - Suit

HB347 General Educational Development Program. Allows participation in a general educational development program to be by court order and excludes from the compulsory school attendance requirements any child who has obtained a general educational development (GED) certificate. The bill also adds to the list of those persons who may participate in the GED testing program, the testing program through which persons may earn a high school equivalency certificate, (i) persons 16 years of age or older who have been expelled from school and (ii) persons required by court order to participate in the testing program.

Patron - Hamilton

HB348 Test security procedures; violations. Authorizes the Board of Education to initiate a review of any alleged violation of its regulations by a local school board or local school board employee responsible for the distribution or administration of tests. The bill also allows the Board to recover the reasonable costs of any review or investigation conducted because of violations of test security from any person who violates test security procedures. This bill is identical to SB 39.

Patron - Hamilton

HB349 Reduction of state aid when length of school term below 180 days or 990 hours. Defines "declared state of emergency" as the term is used elsewhere in the section. Additionally, the bill clarifies that the length of the school term shall be at least 180 teaching days or 990 teaching hours and that school divisions may make up missed time by adding teaching days to the school calendar or extending the length of the

school day. The bill (i) revises the amount of time that must be made up when a school or schools have been closed for six or more days during the school term due to severe weather conditions or other emergency situations, (ii) spells out the procedures for requesting a waiver from the Board of Education for closings resulting from a declared state of emergency, and (iii) adds a provision about school calendars and teacher contracts. Finally, the bill requires the division superintendent and chairman of the local school board to certify the total number of teaching days and hours each year as part of their annual report to the Board of Education. This bill is identical to SB 66.

Patron - Hamilton

HB350 Transfer of real property and consolidation plan for the Virginia School for the Deaf and Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton. Requires the residential programs of the Virginia School for the Deaf and the Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton to be modified. The Department of General Services (i) is authorized to enter into a comprehensive agreement for the necessary renovations, additions, and new facility construction at the Staunton Campus under traditional procurement or the Public-Private Education Facilities and Infrastructure Act of 2002 of the facility in Staunton; (ii) must develop a plan for disposing of buildings and property located on both campuses that are no longer needed for special education purposes; and (iii) must work with the Cities of Staunton and Hampton and the Department of Historic Resources when considering proposals that may transfer ownership to or establish long-term leases with private entities. The properties must be conveyed with appropriate historic easements at fair market value with the proceeds reverting to the general fund to offset the cost of construction of the new facility. The bill also authorizes the Governor to convey all real property, including all buildings and facilities located thereon, held in the name of the board of visitors of the Virginia School for the Deaf, Blind, and Multi-Disabled in Hampton to the New Horizons Regional Education Center, contingent on the two entities agreement on a facilities and land use plan. A second enactment clause declares that the funding for the new facility will be funded in accordance with the general appropriation act passed by the 2006 Session of the General Assembly, which becomes law. This bill is identical to SB 676.

Patron - Hamilton

HB434 Education; maintenance of employee personnel records. Permits personnel files of school board employees to be produced and maintained in digital or paper format.

Patron - Griffith

HB466 School board salaries. Increases from \$2,400 to \$3,600 the maximum salary to be paid members of the Hopewell school board. The bill also increases the maximum salary to be paid members of the Hanover school board, from \$4,600 to \$8,000.

Patron - Ingram

HB493 Education; high school baccalaureate ceremonies. Includes baccalaureate ceremonies among the prayer-oriented school activities for which the Board of Education, in consultation with the Office of the Attorney General, must develop guidelines to promote compliance with constitutional restrictions and the observance of constitutional rights.

Patron - Frederick

HB813 Standards of Quality; Standard 3, Standards of Learning and administration and use of SOL tests. Provides that the Board of Education may adopt special provi-

sions related to the administration and use of any SOL test or tests in a content area as applied to accreditation ratings for any period during which the SOL content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board of Education must provide notice to local school boards regarding such special provisions.

Patron - Fralin

HB971 Opening of the 2006 school year at T.C. Williams High School. Authorizes, in a noncodified provision, the School Board of the City of Alexandria to set the 2006-2007 school calendar for T.C. Williams High School so that the first day students are required to attend the old T.C. Williams High School for the 2006-2007 school year will be prior to Labor Day of 2006 and the last day students are required to attend the old T.C. Williams High School will be at the end of May 2007. In setting its 2006-2007 school calendar for all other Alexandria schools, the School Board of the City of Alexandria must comply with the provisions of § 22.1-79.1, requiring the first day of the school year to be after Labor Day. The act will expire on January 1, 2007. This bill incorporates HB 391 and is identical to SB 366.

Patron - Ebbin

HB1057 Education; revision of teacher licensure requirements and regulations governing teacher education programs. Revises statutes governing teacher licensure regulations and regulation of teacher education programs by repealing the current statutes and reenacting teacher licensure and teacher education program provisions. The bill provides that the Board of Education must prescribe, by regulation, the requirements for licensure of teachers and other school personnel. The Board's regulations must include requirements that a person seeking initial licensure complete professional assessments prescribed by the Board and complete study in attention deficit disorder, gifted education, and family involvement in student learning. In addition, every person seeking initial licensure or licensure by renewal must demonstrate proficiency in the use of educational technology and receive professional development in instructional methods promoting student academic progress and Standards of Learning assessments. Persons seeking initial licensure or first-time licensure renewal must complete prescribed study in child abuse. All persons seeking licensure with an endorsement as a teacher of the blind and visually impaired must demonstrate proficiency in reading and writing Braille. The Board's regulations must also provide for licensure of principals and assistant principals contingent upon a prescribed assessment; criteria to effectuate the substitution of experiential learning for coursework for those seeking initial licensure through an alternate route; and licensure by reciprocity. The Board's regulations may provide for provisional licensure valid for up to three years. The Board's regulations governing education preparation programs must provide for such programs offered by institutions of higher education, Virginia public school divisions, and certified providers for alternate routes to licensure and must prescribe an assessment of basic skills for individuals seeking entry into an approved education preparation program and accountability measures for approved education programs. Education preparation programs must meet the Board's requirements for accreditation and program approval. This bill is identical to SB 74.

Patron - Reid

HB1058 Standards of quality; biennial review. Moves the biennial review of the standards of quality conducted by the Board of Education from the odd-numbered years to the even-numbered years. This bill also contains a technical amendment. This bill is identical to SB 71.

Patron - Reid

HB1059 Standards of Learning; release of assessments. Adds a condition to the release of Standards of Learning assessments by the Board of Education that the release of such assessments to the public may not limit the ability to test students on demand and provide immediate results in the web-based assessment system. This bill is identical to SB 34.

Patron - Reid

HB1109 Background checks for public school contract employees; penalty. Provides that, prior to awarding a contract for the provision of services that require direct contact with students, a school board shall require the contractor and, when relevant, any employee who will have direct contact with students, to certify (i) that he has not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child; and (ii) whether he has been convicted of a crime of moral turpitude. Any person making a materially false statement regarding any such offense shall be guilty of a Class 1 misdemeanor. The fact of such conviction will be grounds for the revocation of the contract and, when relevant, revocation of the person's license to provide such services. Schools boards will not be liable for materially false statements regarding the required certifications. "Direct contact with students" is defined as "being in the presence of students during regular school hours or during school-sponsored activities."

Patron - Athey

HB1222 Education; tuition liability for false statements of residency within a school division; penalty. Provides that any person who knowingly makes a false statement concerning the residency of a child for the purpose of avoiding tuition charges shall be liable to the school division in which the child was enrolled as a result of such false statements for tuition charges for the time the student was enrolled in the school division.

Patron - Barlow

HB1242 Administration of surveys and questionnaires to public school students. Prohibits local school boards from administering questionnaires or surveys requesting sexual information to public school students unless the parent is notified in writing of the administration of the questionnaire or survey at least 30 days in advance to its administration. The notice must inform the parent of the nature and types of questions included in the questionnaire or survey, the purposes and age-appropriateness of the survey, and whether and how any findings or results will be disclosed. The bill provides parents the right to review the questionnaire or survey and to exempt their child from participating in the survey. No questionnaire or survey requesting sexual information of a student may be administered to any student in kindergarten through sixth grade and, unless required by federal or state law or regulation, school personnel administering any such questionnaire or survey shall not disclose personally identifiable information.

Patron - Hugo

HB1279 Notification to school principals of students charged with committing certain crimes. Amends the requirement that principals or their designees receive notification from local law-enforcement authorities when students in their school commit certain crimes to require that such notification be given, whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. The bill further requires that any school superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsec-

tion G of § 16.1-260 must report such information to the principal of the school in which the juvenile is enrolled.

Patron - Barlow

HB1340 Requirements for home instruction of children. Modifies the criteria that a parent must meet to provide home instruction to their children, by providing that a parent who holds a high school diploma, rather than a baccalaureate degree, meets the requirements. This bill is identical to SB 499.

Patron - Bell

HB1427 No Child Left Behind; elimination plan. Directs the Board of Education to develop a plan to eliminate initiatives or conditions that are currently being funded by No Child Left Behind, unless such initiatives or conditions are an integral and necessary component of the Commonwealth's own Standards of Quality, Standards of Accreditation, or Standards of Learning. Upon the development of the plan, the Office of the Attorney General must provide the Board and the General Assembly an estimate of the costs for providing legal services in the event that the elimination of any initiatives or conditions results in withholding of Title I funds. The Board of Education must report its plan to the Senate Committee on Education and Health, the House Committee on Education, the Senate Committee on Finance, and the House Committee on Appropriations by October 1, 2006.

Patron - Landes

HB1428 No Child Left Behind; waiver and exemption requests. Provides that, in calendar year 2006, the President of the Board of Education shall request certain waivers and exemptions from regulatory and statutory requirements of the federal No Child Left Behind Act from the U.S. Department of Education. The President of the Board of Education is directed to submit a report on the status of all such requests for waivers and exemptions to the chairmen of the Senate Committee on Education and Health and the House Committee on Education and the chairmen of the Senate Committee on Finance and the House Committee on Appropriations. If the report indicates that the response from the U.S. Department of Education to requests for waivers and exemptions is unsatisfactory, then the President of the Board of Education must make recommendations to the Governor and the General Assembly regarding additional actions that could be taken by the Commonwealth regarding No Child Left Behind requirements.

Patron - Landes

HB1482 School records of missing children; local law-enforcement cooperation. Enhances current procedures for notation in school records of missing children and local law-enforcement cooperation with the schools by mandating that, (i) within 24 hours of the missing child report, local law enforcement must notify the principal of the school where the missing child is or was most recently enrolled of the report so that the school can mark the student's record; and (ii) upon notification that the marked child's record has been requested, the Superintendent of State Police must immediately initiate an investigation into the circumstances surrounding the request. Additionally, the bill defines the term "mark" as an electronic or other indicator that is readily apparent on the student's record.

Patron - Shannon

HB1483 Requirements for home instruction of children. Amends the requirements for home instruction to provide that parents may home school their children if they: (i) provide a program of study or curriculum, which, in the judgment of the division superintendent, includes the standards

of learning objectives adopted by the Board of Education for language arts and mathematics, or (ii) provide evidence that the parent is able to provide an adequate education for the child. Currently, parents choosing to home school a child must provide the child a program of study or curriculum that includes the standards of learning objectives adopted by the Board of Education for language arts and mathematics. The bill further provides that a parent who elects to home school a child must provide the division superintendent with evidence that the child has attained a composite score in or above the fourth stanine of any nationally normed standardized achievement test rather than the current requirement that such child receive a score in or above the fourth stanine on a battery of achievement tests that have been approved by the Board of Education for use in the public schools.

Patron - Tata

HB1516 Possession of certain weapons on school property; expulsion. Requires a school board to expel from school for at least one year a student who possesses certain weapons on school property or at a school-sponsored activity. Current law relates to "bringing" weapons to school.

Patron - Tata

HB1588 Declaration of policy; requirement for home instruction of children. Requires that school boards implement a plan to make PSAT examinations available to students receiving home instructions.

Patron - Moran

SB34 Standards of Learning; release of assessments. Ensures that the timely release of the Standards of Learning assessments to the public will not limit the Department of Education's ability to test students on-demand and provide immediate results in the web-based assessment system. This bill is identical to HB 1059.

Patron - Reynolds

SB39 Test security procedures; violations. Creates a limited exemption from the Freedom of Information Act, for records furnished to or prepared by the Board of Education in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for distribution or administration of the tests. However, the exemption does not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Also, the bill authorizes the Board of Education to initiate a review of any alleged violation of its regulations by a local school board or local school board employee responsible for implementing the regulations of the Board, including the distribution or administration of tests. The bill also allows the Board to recover the reasonable costs of any investigation conducted because of violations of test security from any person who violates test security procedures. This bill is identical to HB 348.

Patron - Reynolds

SB62 Comparative religion as elective course. Relocates the duty to authorize a comparative religion class from local school boards to the Board of Education. In the process of revising the Standards of Quality, language was inadvertently

altered during the 2004 Session. This bill is identical to HB 215.

Patron - Whipple

SB66 Reduction of state aid when length of school term below 180 days or 990 hours. Defines "declared state of emergency" as the term is used elsewhere in the section. Additionally, the bill clarifies that the length of the school term shall be at least 180 teaching days or 990 teaching hours and that school divisions may make up missed time by adding teaching days to the school calendar or extending the length of the school day. The bill (i) revises the amount of time that must be made up when a school or schools have been closed for six or more days during the school term due to severe weather conditions or other emergency situations, (ii) spells out the procedures for requesting a waiver from the Board of Education for closings resulting from a declared state of emergency, and (iii) adds a provision about school calendars and teacher contracts. Finally, the bill requires the division superintendent and chairman of the local school board to certify the total number of teaching days and hours each year as part of their annual report to the Board of Education.

Patron - Whipple

SB67 Remediation programs. Amends the standards for remediation programs to require that data submitted to the Board of Education include the number of students failing any Standards of Learning assessments for grades three through eight. This bill also provides that students who fail the Standards of Learning assessments in grades three through eight, in addition to other factors that the division superintendent may use to determine the student's need for remediation, must attend summer school or after-school remediation programs. There are several technical amendments.

Patron - Whipple

SB71 Biennial review of the Standards of Quality. Changes the Board of Education's required review of the Standards of Quality from odd-numbered years to even-numbered years, and provides that in any odd-numbered year following the year in which the Board proposes changes to the Standard of Quality, budget estimates required to be reported take such changes into consideration. This bill is identical to HB 1058.

Patron - Houck

SB74 Education; revision of teacher licensure requirements and regulations governing teacher education programs. Revises statutes governing teacher licensure regulations and regulation of teacher education programs by repealing the current statutes and reenacting teacher licensure and teacher education program provisions. The bill provides that the Board of Education must prescribe, by regulation, the requirements for licensure of teachers and other school personnel. The Board's regulations must include requirements that a person seeking initial licensure complete professional assessments prescribed by the Board and complete study in attention deficit disorder, gifted education, and family involvement in student learning. In addition, every person seeking initial licensure or licensure by renewal must demonstrate proficiency in the use of educational technology and receive professional development in instructional methods promoting student academic progress and Standards of Learning assessments. Persons seeking initial licensure or first-time licensure renewal must complete prescribed study in child abuse. All persons seeking licensure with an endorsement as a teacher of the blind and visually impaired must demonstrate proficiency in reading and writing Braille. The Board's regulations must also provide for licensure of principals and assistant principals contingent upon a prescribed assessment; criteria to effectuate the substitution of experiential learning for coursework for those seeking

initial licensure through an alternate route; and licensure by reciprocity. The Board's regulations may provide for provisional licensure valid for up to three years. The Board's regulations governing education preparation programs must provide for such programs offered by institutions of higher education, Virginia public school divisions, and certified providers for alternate routes to licensure and must prescribe an assessment of basic skills for individuals seeking entry into an approved education preparation program and accountability measures for approved education programs. Education preparation programs must meet the Board's requirements for accreditation and program approval. This bill is identical to HB 1057.

Patron - Houck

SB75 School crisis, emergency management, and medical emergency response plan; required. Requires each school to implement a "medical emergency response plan" as part of their school crisis and emergency management plan. The Department of Education must provide assistance in the development of the plan in coordination with local emergency medical services providers, the training of school personnel and students to respond to a life-threatening emergency, and the equipment required for this emergency response. The Department must also prepare a model medical emergency response plan.

Patron - Houck

SB97 Fire and evacuation drills prohibited in schools during periods of mandatory testing. Requires the Board of Housing and Community Development to promulgate regulations prohibiting fire and evacuation drills in schools during periods of mandatory testing required by the Board of Education. The bill includes an enactment clause requiring the promulgation of emergency regulations.

Patron - Blevins

SB203 Virginia Public School Authority; pass-through of bond refunding savings. Authorizes the Virginia Public School Authority to implement a pass-through of refunding savings to a locality without requiring any further local legislative action on the part of the locality.

Patron - Blevins

SB324 Teachers; compensation. Requires the Director of Human Resource Management to consider, in the biennial review of the compensation of teachers and other occupations requiring similar education and training the Commonwealth's compensation for teachers relative to member states in the Southern Regional Education Board. The bill also requires the evaluation of each teacher with continuing contract status at least once every three years. Such teachers who have an unsatisfactory evaluation must be evaluated the following year. Additionally, the bill provides that the evaluations must be maintained in the employee's personnel file.

Patron - Whipple

SB366 Opening of the 2006 school year at T.C. Williams High School. Authorizes, in a noncodified provision, the School Board of the City of Alexandria to set the 2006-2007 school calendar for T.C. Williams High School so that the first day students are required to attend the old T.C. Williams High School for the 2006-2007 school year will be prior to Labor Day of 2006 and the last day students are required to attend the old T.C. Williams High School will be at the end of May 2007. In setting its 2006-2007 school calendar for all other Alexandria schools, the School Board of the City of Alexandria must comply with the provisions of § 22.1-79.1, requiring the first day of the school year to be after Labor Day.

The act will expire on January 1, 2007. This bill is identical to HB 971.

Patron - Saslaw

P SB410 No Child Left Behind; elimination plan.

Directs the Board of Education to develop a plan to eliminate initiatives or conditions that are currently being funded by No Child Left Behind, unless such initiatives or conditions are an integral and necessary component of the Commonwealth's own Standards of Quality, Standards of Accreditation, or Standards of Learning. Upon the development of the plan, the Office of the Attorney General must provide the Board and the General Assembly an estimate of the costs for providing legal services in the event that the elimination of any initiatives or conditions results in withholding of Title I funds. The Board of Education must report its plan to the Senate Committee on Education and Health, the House Committee on Education, the Senate Committee on Finance, and the House Committee on Appropriations by October 1, 2006. This bill is identical to HB 1427.

Patron - Hanger

P SB499 Requirements for home instruction of children. Modifies the criteria that a parent must meet to provide home instruction to their children, by providing that a parent who holds a high school diploma, rather than a baccalaureate degree, meets the requirements. This bill is identical to HB 1390.

Patron - Puckett

P SB502 Election of school board members; appointment of tiebreaker. Authorizes a popularly elected school board, having an even number of members, to appoint a tiebreaker in case of a tie vote.

Patron - Puckett

P SB676 Transfer of real property and consolidation plan for the Virginia School for the Deaf and Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton. Requires the residential programs of the Virginia School for the Deaf and the Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton to be modified. The Department of General Services (i) is authorized to enter into a comprehensive agreement for the necessary renovations, additions, and new facility construction at the Staunton Campus under traditional procurement or the Public-Private Education Facilities and Infrastructure Act of 2002; (ii) must develop a plan for disposing of buildings and property located on both campuses that are no longer needed for special education purposes; and (iii) must work with the Cities of Staunton and Hampton and the Department of Historic Resources when considering proposals that may transfer ownership to or establish long-term leases with private entities. The properties must be conveyed with appropriate historic easements at fair market value with the proceeds reverting to the general fund to offset the cost of construction of the new facility. The bill authorizes the Governor to convey all real property, including all buildings and facilities located thereon, held in the name of the board of visitors of the Virginia School for the Deaf, Blind, and Multi-Disabled in Hampton to the New Horizons Regional Education Center, contingent on the two entities agreement on a facilities and land use plan. A second enactment clause declares that the funding for the new facility will be funded in accordance with the general appropriation act passed by the 2006 Session of the General Assembly, which becomes law. This bill is identical to HB 350.

Patron - Hanger

P SB683 High school diploma requirements and students with limited English proficiency. Requires the Board and Department of Education to collect certain statewide data on Virginia's public school students with limited English proficiency and school division programs for such LEP students, analyze the data, and recommend steps to resolve the issues relating to the requirements for obtaining a high school diploma and students with limited English proficiency that will retain high academic standards and accountability, while assisting such students in their endeavors to obtain an education and to become productive Virginians.

Patron - Colgan

P SB687 Approval of teacher education programs. Prohibits the Board of Education from conditioning full approval of teacher education programs provided by an institution of higher education on (i) the number of students in individual licensure programs, such as, but not limited to, prekindergarten-three, Spanish, music education, high school physics, or other disciplines, or (ii) documented efforts to increase enrollment in such programs.

Patron - Potts

P SB715 Temporary loans to school boards. Extends the length of a temporary loan for the purpose of financing new school buses to replace obsolete buses from five to 10 years.

Patron - Blevins

Failed

F HB51 Safety belts in school buses. Requires school buses purchased by, or for use by, any school or school division on or after July 1, 2006, to be equipped with safety belts or safety belts and shoulder harnesses of types approved by the Superintendent of State Police. The Board of Education must adopt policies, guidelines, and regulations to ensure that all passengers, including the driver, wear these belts or harnesses or both, whenever the bus is in motion. However, a school bus driver may not be held personally liable for the failure of passengers to wear safety belts as required by the Board's regulations.

Patron - Marshall, R.G.

F HB84 Safety belts in school buses. Requires school buses purchased by, or for use by, any school or school division on or after January 1, 2007, to be equipped with safety belts or safety belts and shoulder harnesses of types approved by the Superintendent of State Police. The Board of Education must adopt policies, guidelines, and regulations to ensure that all passengers, including the driver, wear these belts or harnesses or both whenever the bus is in motion.

Patron - Spruill

F HB100 Private driver education programs. Provides that classroom training and behind-the-wheel instruction offered by the Association of Christian Schools International and the Virginia Council of Private Education will be acceptable means of receiving driver education if the classroom instruction is consistent in quality with instructional programs developed by the Board of Education for classroom training in public schools and the behind-the-wheel training is licensed by the Department of Motor Vehicles.

Patron - Cosgrove

F HB107 Drug-free school zones. Requires each public and private elementary, secondary, and post-secondary school and each public and private two-year and four-year institution of higher education to post signage indicating that school prop-

erty and the area within 1,000 feet of such property is a drug-free school zone.

Patron - Purkey

HB137 Standards of Quality; Standard 3, Standards of Learning assessments. Provides that the Board of Education must release the Standards of Learning assessments periodically, but not less than once every three years. Currently, the Board must release the assessments in a timely manner and as soon as practicable after the administration of such tests.

Patron - Tata

HB163 Family life education; parent or guardian review. Emphasizes the right of parents and guardians to review family life curricula whether or not family life instruction is mandatory or optional. Further, the bill repeals § 22.1-207.1 that requires the Board of Education to establish guidelines for family life education and prescribes certain subject matter to be taught in family life education programs. The bill also contains a technical amendment to remove redundant language.

Patron - Lingamfelter

HB230 Department of Corrections; eligibility for good conduct allowance; literacy and education. Requires that the Governor's appointees to the Board of Correctional Education include educators and a citizen with an immediate family member incarcerated in Virginia. The bill provides for good conduct allowance for prisoners depending on their performance and conduct in which escalating credits toward good conduct allowance are available in four class levels. The highest level available is 50 percent credit for those prisoners with exemplary behavior and who have earned or are making progress toward earning their general educational development (GED) certificate. The bill includes a literacy requirement for inmates, and allows for good conduct credits to be earned through reading.

Patron - Jones, D.C.

HB273 Teacher salaries for critical shortage area teachers. Provides that, in order to assure the availability of highly qualified teachers in high-demand subject areas, the local school boards shall adjust their teacher salary schedules to provide for greater compensation for personnel who teach in a critical shortage area or discipline, as identified by the Board of Education's Regulations Governing the Determination of Critical Shortage Areas, than in areas in which there is no shortage of highly qualified teachers. The measure further provides that no teacher salary schedule adopted by a local school board shall establish a maximum salary that can be earned by teachers in a school division.

Patron - Poisson

HB274 Licensure of division superintendents, principals, assistant principals, and school supervisors. Provides that the Board of Education shall make no regulations prescribing mandatory qualifications or licensure requirements for holding the position of division superintendent of schools, principal, assistant principal, and school supervisor.

Patron - Poisson

HB275 Teacher education. Requires that all persons seeking licensure as a teacher obtain a degree in any branch of liberal arts, science, mathematics, social studies, or other specific subject area, but not a degree in pedagogy. The measure also establishes a teacher internship program in lieu of student teacher or clinical faculty programs that are currently administered by institutions of higher education in cooperation with public elementary and secondary schools. The Board of Educa-

tion must develop and implement the teacher internship program to provide all graduates of an accredited degree-granting institution seeking licensure in Virginia with training in a classroom under the supervision of an experienced teacher. All graduates of a degree-granting institution seeking licensure in Virginia must complete a one-year paid internship at a public elementary or secondary school in the Commonwealth. At the completion of the internship, the principal of the school in which the internship was completed, in consultation with the intern's supervising teacher, must evaluate the intern's performance during the internship and determine whether the intern shall be certified for licensure by the Department of Education. Upon certification by a principal to the Department that an intern has successfully completed the internship program, the Board shall issue the intern a license if he has satisfied all other requirements for licensure by the Board.

Patron - Poisson

HB276 Apportionment of state and local share; adjustments for English as a second language and special education programs. Directs that the General Assembly, in apportioning the state and local share for the costs of providing an educational program meeting the Standards of Quality shall, as provided in the appropriation act, modify the formula that determines each locality's ability to pay for its share of providing an educational program meeting the prescribed Standards of Quality to incorporate statewide average teacher salaries and to provide adjustments for the number of special education students and students receiving English as a second language instruction.

Patron - Caputo

HB338 Annual body mass index assessments required for public school students. Requires the principal of each school, pursuant to regulations adopted by the Board of Education in consultation with the State Health Commissioner, to (i) provide an annual assessment of the body mass index (BMI) of each student in the school; (ii) notify the parent or guardian, in writing, of the annual BMI percentile by age for the relevant student; and (iii) provide the parent or guardian of the relevant student with information explaining the use of BMI in identifying underweight and overweight children and the potential health risks of various growth patterns.

Patron - Orrock

HB391 Opening of the 2006 school year at T.C. Williams High School. Authorizes, in a noncodified provision, the School Board of the City of Alexandria to set the 2006-2007 school calendar for T.C. Williams High School so that the first day students are required to attend the old T.C. Williams High School for the 2006-2007 school year will be prior to Labor Day of 2006 and the last day students are required to attend the old T.C. Williams High School will be at the end of May 2007. In setting its 2006-2007 school calendar for all other Alexandria schools, the School Board of the City of Alexandria must comply with the provisions of § 22.1-79.1, requiring the first day of the school year to be after Labor Day. The act will expire on January 1, 2007. This bill was incorporated into HB 971.

Patron - Englin

HB392 State funding for No Child Left Behind Testing. Provides that all costs incurred by localities resulting from student testing required by the federal No Child Left Behind Act must be paid by the Commonwealth. Beginning with the fiscal year beginning July 1, 2006, each locality must, in each even-numbered year, submit cost estimates of such testing to the Department of Education for review and certification by the Department. The Department must certify to the Governor all such costs incurred by localities from student test-

ing and, beginning in 2007, the Governor must include an appropriation in the budget bill and the gubernatorial amendments thereto to fund all such costs.

Patron - Englin

HB472 The Virginia Teaching Scholarship Loan Program. Amends provisions of the Virginia Teaching Scholarship Loan Program to make those who agree to teach special education in a private school in the Commonwealth eligible to participate in the loan program. Currently, only students who agree to teach in public schools in the Commonwealth are eligible to receive scholarships through the program.

Patron - Cosgrove

HB481 Education; expenditures and reports on instructional spending. Requires each local school division to allocate 65 percent of its operating budget to instructional spending. Local school boards must report annually to the Board of Education the percentage of their operating budgets allocated to instructional spending. Any school division that fails to meet the 65 percent requirement must present a plan to the Board of Education to increase instructional spending by 0.5 percent in the following year. School divisions failing to submit such a plan must be audited by the Auditor of Public Accounts who in turn must submit recommendations to the Board including instruction on how such school divisions can increase their instructional spending to 65 percent. In addition, the Board must annually report to the Senate Committee on Finance and the House Committee on Appropriations the amount of spending allocated by the local school divisions to instructional spending based on the reports submitted annually by the local school boards.

Patron - Frederick

HB507 Education; criminal records checks for school volunteers. Provides that if a local school division, in its discretion, requires fingerprinting or criminal records checks of school volunteers, all associated costs shall be paid by the school division or by the Commonwealth with such funds as may be appropriated for this purpose.

Patron - Armstrong

HB537 Home instruction of children; requirements. Strengthens the requirements for parents providing home instruction, by (i) requiring the parents to notify the division superintendent of any changes in the curriculum during the school year; (ii) authorizing the division superintendent to terminate home instruction if a measurement of progress is not submitted by August 1, and no probationary year has been granted; (iii) authorizing the division superintendent to terminate home instruction if the remediation plan is not satisfactory or at any time if it is evident that no progress is being made; and (iv) raising the achievement test standard to the fifth stanine or higher.

Patron - Parrish

HB582 Standards of Quality; Standard 2, pupil-teacher ratios. Changes the current pupil-teacher ratio in kindergarten through grade three from average daily membership of 24:1 to actual maximum daily membership of 26:1 in those grades. This bill also provides that the pupil-teacher ratio may not exceed 25:1 in average daily membership in grades four through six, and 24:1 in average daily membership in English classes in grades six through 12. The current pupil-teacher ratios are as follows: 24:1 in kindergarten with no class larger than 29 students, and if the average daily membership in kindergarten exceeds 24 pupils, a full-time teacher's aide must be assigned to the class; 24:1 in grades one through three with no class larger than 30 students; 25:1 in grades four through six

with no class larger than 35 students; and 24:1 in English classes in grades six through 12.

Patron - Watts

HB584 Education; computation of composite index. Codifies the current Standards of Quality (SOQ) funding formula and calculation of composite index of local ability-to-pay, and modifies the formula that determines each locality's ability to pay for its share of providing an educational program meeting the prescribed SOQ to (i) incorporate tax values and population estimates for the fiscal year ending one year prior to the fiscal biennium in which the distribution takes place; (ii) provide for a population density adjustment in certain localities; and (iii) incorporate median, rather than average, adjusted gross income. In addition, the respective weights granted to the various wealth indicators are updated to use 1997 figures. This measure reflects certain recommendations included in the Joint Legislative Audit and Review Commission (JLARC) Review on Elementary and Secondary School Funding (February 2002).

Patron - Watts

HB591 Education; calculation of high school graduation rates. Directs the Board of Education to collect, analyze, and report high school graduation rates using a standardized formula. In calculating graduation rates using the formula, the Board shall provide an exception for students enrolling in high school in Virginia for the first time who have limited English proficiency and have no transferable high school credits. This bill was incorporated into HB 19.

Patron - Lohr

HB593 Education; English as a Second Language Grant Program. Establishes the English as a Second Language Grant Program for the purpose of providing grants to school divisions in which at least 25 percent of the student population receives English as a second language instruction. The program shall be administered by the Board of Education, and the Board must promulgate regulations governing the disbursement of such grants and provide rules and guidelines for the use of funds received by school divisions from the program. Each school division receiving such funds must submit a report to the Board specifying how the funds were used or are intended to be used in the school division.

Patron - Lohr

HB780 Education; expenditures and reports on instructional spending. Requires each local school division to allocate 65 percent of its operating budget to instructional spending. Local school boards must report annually to the Board of Education the percentage of their operating budgets allocated to instructional spending. Any school division that fails to meet the 65 percent requirement must present a plan to the Board of Education to increase instructional spending by 0.5 percent in the following year. School divisions failing to submit such a plan must be audited by the Auditor of Public Accounts who in turn must submit recommendations to the Board including instruction on how such school divisions can increase their instructional spending to 65 percent. In addition, the Board must annually report to the Senate Committee on Finance and the House Committee on Appropriations the amount of spending allocated by the local school divisions to instructional spending based on the reports submitted annually by the local school boards.

Patron - Albo

HB808 Teacher staffing ratios in under-filled and overflowing classes. Provides that, in order to maintain student-teacher ratios that provide for individualized instruction and promote the efficient use of school personnel, secondary

school teachers may teach courses outside of their endorsement area to accommodate under-filled or overflowing classes.

Patron - Fralin

HB815 Education; computation of composite index. Requires the General Assembly to modify the current Standards of Quality (SOQ) funding formula and calculation of composite index of local ability to pay that determines each locality's ability to pay for its share of providing an educational program meeting the prescribed SOQ to incorporate within the real estate indicator of local wealth the land-use taxation value for those properties within a land-use plan. Localities may adopt land-use plans and provide for the use value assessment and taxation of certain properties, such as those designated for agricultural, horticultural, forest, or open-space use. The current composite index of local ability to pay incorporates the "true value" of real property (rather than any special use assessed values) weighted 50 percent, with adjusted gross income weighted at 40 percent, and taxable retail sales weighted at 10 percent, as indicators of local wealth.

Patron - May

HB905 Literary Fund; distributions. Raises the maximum limit for any loan from the Literary Fund from \$7.5 million to \$12 million.

Patron - Lohr

HB966 Access to student records by military recruiters; notice to parents. Provides that the notice to parents or guardians required by federal law and regulations and the regulations of the Board of Education concerning the release of directory information shall be included on the emergency contact information form, which shall also include a statement printed in conspicuous, bold type that advises parents or guardians that giving consent for the release of the directory information concerning their child may result in release of such information to an official recruiting representative of the military forces of the Commonwealth or the United States. Such statement shall also advise parents or guardians of their right to (i) deny consent to release directory information concerning their child or (ii) limit the persons to whom such information may be released. Such statement shall also include the manner in which denial or limitation of consent may be effectuated.

Patron - Ebbin

HB968 Membership of the Board of Correctional Education. Specifies that members of the Board of Correctional Education shall consist of the following: one educator with experience working in special education, two educators with experience working with specific learning disabilities, one elected official, and one citizen with an immediate family member incarcerated within the Commonwealth. The bill further directs the Governor, in making appointments to the Board, to select appointees of such qualifications and experience necessary to ensure that the membership of the Board includes persons suitably qualified to consider and act upon the various matters under the Board's jurisdiction. The bill places the Department of Correctional Education under the responsibility of the Secretary of Education. Currently, the Secretary of Public Safety is responsible for the Department of Correctional Education.

Patron - Ebbin

HB1084 Standards of Quality; average teacher salary. Requires that the state average teacher salary not be less than the annual national average teacher salary in order to ensure highly qualified instructional staff in the public schools.

Patron - Scott, J.M.

HB1138 Instruction on drug use in public schools. Includes instruction on the dangers of methamphetamine and OxyContin use as topics to be covered under the requirement that the public schools provide instruction concerning drugs and drug abuse as prescribed by the Board of Education.

Patron - Cline

HB1158 Teachers; sick leave. Requires local school boards to adopt policies providing for up to 12 weeks of leave without pay for school board employees with debilitating or life-threatening illness or injury, without regard to the employee's length of service with the school board. Such policies must provide for case-by-case determinations of leave granted that reflect the nature of the employee's illness or injury.

Patron - Eisenberg

HB1308 School boards; authority to block use of school facilities by certain groups. Authorizes school boards, pursuant to and in compliance with 20 U.S.C. 4071(f), to prohibit the use of school facilities by any student club or other student group that encourages or promotes sexual activity by unmarried minor students. The bill also provides that the Attorney General's Office may provide legal defense on behalf of the local school boards.

Patron - Lohr

HB1408 Transportation services for nonpublic schools. Permits local school boards to enter into agreements with nonpublic schools in the school division to provide student transportation for a fee to and from the nonpublic schools.

Patron - Tata

HB1450 Daily recess for elementary school students. Provides that local school boards shall prohibit the denial of daily outdoor recess or unstructured play to a student for disciplinary reasons, unless the parent of the student notifies the school principal in writing that the student may be excused from all or part of recess as a means to discipline the student.

Patron - Hull

HB1590 Teacher quality. Teacher compensation; biennial review required; employment of teachers.

Patron - Tyler

SB33 General Educational Development Program. Allows participation in a general educational development program to be by court order and excludes from the compulsory school attendance requirements any child who has obtained a general educational development (GED) certificate. The bill also adds to the list of those persons who may participate in the GED testing program, the testing program through which persons may earn a high school equivalency certificate, (i) persons 16 years of age or older who have been expelled from school and (ii) persons required by court order to participate in the testing program.

Patron - Potts

SB61 Standards of Quality; Standard 2, support services staff ratios. Amends Standard 2 of the Standards of Quality to (i) provide the same staffing levels for elementary school principals as middle and high school principals, i.e., one each full-time to be employed on a 12-month basis; (ii) increase the staffing level for assistant principals to one full-time assistant principal for every 400 students to obtain the same staffing levels in elementary, middle, and high schools; (iii) require one reading specialist per 1,000 students in kindergarten through grade 12; and (iv) require speech-language

pathologists to be employed in sufficient numbers to ensure a caseload that does not exceed 60 students per position. Current funding levels for these support staff positions are: one half-time principal per 299 students in an elementary school; one half-time assistant principal in an elementary school per 600 students, one full-time assistant principal in an elementary school per 900 students, and one full-time assistant principal in middle and high schools per 600 students; and one reading specialist per elementary school at the discretion of the local school board. Currently, speech-language pathologists are not required by statute. A second enactment clause requires that the provisions of this act will not become effective unless the 2006 appropriation act, as it becomes law, includes funding for such provisions.

Patron - Reynolds

FSB204 Character education; participation in community service. Provides that character education programs in public schools may include opportunities for voluntary participation in community service activities pursuant to guidelines developed by the Board of Education.

Patron - Edwards

FSB296 Setting of the school calendar. Provides that local school boards will set the school calendar to provide for the opening and closing of the school year in the school divisions. Currently, local school boards set the school calendar so that the first day of the school year begins after Labor Day and the Board of Education may waive this requirement on a showing of good cause by the school board. This bill also provides that the act will expire on July 1, 2011.

Patron - Cuccinelli

FSB411 No Child Left Behind; withdrawal. Directs the Commonwealth to withdraw from participation in the federal No Child Left Behind Act. The bill also directs the Board of Education and the Office of the Attorney General of Virginia to bring suit if Title I funds that are not related to NCLB are withheld.

Patron - Hanger

FSB440 Standards of Quality; Standard 1, Standards of Learning. Provides that the Board of Education require Standards of Learning assessments to reflect instruction related to the contributions of diverse people (e.g., consideration of disability, ethnicity, race, and gender) to society.

Patron - Lambert

FSB441 Board of Correctional Education. Changes the membership of the Board of Correctional Education to provide appointments of licensed teachers in the Commonwealth with endorsements in special education and experience in educating students with learning disabilities, an elected local official, and a nonlegislative citizen at large whose immediate family member is incarcerated in the Commonwealth. This bill provides that nonlegislative citizen members will serve four-year terms. Current members of the Board whose terms expire on June 30, 2006, June 30, 2007, and June 30, 2008, will continue to serve until the expiration of their terms. Thereafter, these vacancies must be filled in accordance with the new statutory provisions. The Governor will continue to appoint the nonlegislative citizen members of the Board. Persons serving ex officio will continue to serve. This bill also makes certain technical amendments.

Patron - Lambert

FSB709 Virginia Community College System; comprehensive, integrated workforce training system established. Recognizes the Virginia Community College System as the coordinator of workforce training, establishes a compre-

hensive, integrated workforce training system, and requires the appointment of regional workforce training boards to identify appropriate policies relating to workforce training for each of the community colleges and the school divisions within the relevant region. The regional workforce training boards will receive input from regional business and industry leaders; promote the development of cutting edge technology and workforce skills; advise local school boards, career and technical education teachers and administrators in public schools, and the community college on the design and implementation of workforce training classes to reflect changes in the workplace; and develop a plan of action to comply with federal Department of Labor and state policies vis-a-vis the federal Workforce Investment Act and any regulations promulgated pursuant to the Act.

Patron - Hawkins

Carried Over

CHB164 Emphasis of abstinence in family life curricula. Requires that any family life education course including a discussion of sexual intercourse emphasize that abstinence is the accepted norm and the only guarantee against unwanted pregnancy. The bill also requires that family life courses include materials that emphasize honor and respect for monogamous heterosexual marriage; provide information on the transmission of sexually transmitted diseases; inform students on laws addressing child support obligations and the unlawfulness of sexual relations between unmarried persons; and advise students on ways to avoid unwanted sexual advances and resist negative peer pressure. Further, the bill provides that students may opt out of family life courses if a parent or guardian submits a written objection and clarifies that parents have the right to review any family life curriculum, whether such curriculum is mandatory or optional.

Patron - Lingamfelter

CHB223 College Partnership Laboratory Schools. Establishes college partnership laboratory schools for the purpose of stimulating the development of innovative public education programs by providing opportunities for greater cooperation and coordination between institutions of higher education and K-12 education systems. The laboratory schools are created by a contract between the school and the Board of Education and operate much like public charter schools.

Patron - Jones, D.C.

CHB377 Removal and replacement of local school boards for cause. Requires the Board of Education to replace any school board, whether elected or appointed, for neglect of duty in any locality in which all elementary and secondary public schools fail to meet the requirements of the Standards of Accreditation for four consecutive years. Upon exercising its authority to replace an elected school board and before appointing new members for such school board, the Board shall hold a public hearing in the locality in which the school board was empaneled to receive the views and comments of citizens of the locality on the selection of new school board members. The Board may appoint new members to an appointed school board without holding a public hearing. The measure further provides that the composition of any local school board that has been removed for cause, whether serving by district or at large, and the terms of the members of such school boards shall be maintained when new members are appointed to the school board by the Board. The Board must replace all members of any school board removed by the Board within 60 days of the date such members are removed by the Board.

Patron - Dance

HB384 Education; school tuition charges on certain military bases. Provides that any person of school age who resides on a military or naval reservation situated in the geographical boundaries of more than one school division shall be eligible to attend the public schools of any such school division and shall not be denied admission or charged tuition.

Patron - Suit

HB492 Textbooks; availability for home use. Provides that each local school division shall, in providing textbooks and workbooks free of charge for each child attending public schools, ensure that such textbooks and workbooks are available in sufficient quantity to provide each student an individual copy that may be used at home unless all required course materials are available on school-issued computers that may be used by students at home.

Patron - Frederick

HB838 Transfer of private school credits to public schools. Requires the Board of Education to promulgate regulations to ensure the transfer of credits from any private elementary, middle, or high school located in the Commonwealth to a public school in any Virginia school division.

Patron - Frederick

HB1229 Education; expulsion of students. Amends the procedure for readmission of a student to school after expulsion to require that local school board regulations governing the readmission procedure ensure that any initial petition for readmission be timely reviewed by the school board, a committee of the school board, or the division superintendent in a manner that, if granted, would enable the expelled student to return to school no later than one calendar year from the date of the expulsion.

Patron - Jones, D.C.

HB1442 Graduation requirements; standard diploma. Expands the requirements for earning a standard diploma to include one concentration in career and technical education.

Patron - Nutter

HB1593 Childhood obesity. Requires the Board of Education to promulgate, in cooperation with the State Health Department, regulations establishing standards to facilitate the prevention and reduction of childhood obesity in the public schools. This bill also requires division superintendents to complete instruction concerning the causes and consequences of overweight and obese students, and the relationship between nutrition, health, and learning by July 1, 2008. The requirement for instruction may be satisfied by attendance at conferences, seminars, or in-service training.

Patron - Tyler

SB205 Early childhood education. Requires, on and after July 1, 2010, all school divisions to provide early childhood education programs for four-year-olds and five-year-olds who are not eligible to attend kindergarten or at-risk early childhood education programs and whose parents voluntarily wish to enroll them in such programs. These mandated early childhood education programs must be coordinated with the current at-risk early childhood programs, be consistent with the Department's guidelines for early childhood education, and meet the standards established by the Board of Education. The Board of Education is required to promulgate regulations to implement the orderly phase-in of the required programs with the current voluntary programs for at-risk four-year-olds and at-risk five-year-olds who are not eligible to attend kindergarten. An enactment clause provides that the implementation and

funding of the required public school early childhood education programs will be as set forth in the appropriation act. The grants for the at-risk programs may continue to be funded in public schools or other local agencies; however, the Standards of Quality funding of early childhood education will only be provided to public schools.

Patron - Edwards

SB206 Childhood obesity. Requires the Board of Education to promulgate, in cooperation with the State Health Department, regulations establishing standards to facilitate the prevention and reduction of childhood obesity in the public schools. This bill also requires division superintendents to complete instruction concerning the causes and consequences of overweight and obese students, and the relationship between nutrition, health, and learning by July 1, 2008. The requirement for instruction may be satisfied by attendance at conferences, seminars, or in-service training.

Patron - Edwards

SB241 Individuals with Disabilities Education Act; burden of proof. Places the burden of persuasion on the school division in an administrative hearing concerning the individualized education program of a child with a disability.

Patron - Ticer

SB263 Triennial census or statistical survey of school-age persons residing in school divisions. Provides school divisions the option of choosing to conduct a statistical survey rather than the traditional census every three years. The statistical survey or census may be conducted by agents or contractors appointed by each school board on the recommendation of the division superintendent or pursuant to a contract for a statistical survey.

Patron - Bell

SB442 Advisory Board on Teacher Education and Licensure. Changes the composition and tenure of and appointing authority for the Board of Education's Advisory Board on Teacher Education and Licensure. This bill provides that the nonlegislative citizen members of the Advisory Board on Teacher Education and Licensure will be appointed by the Governor, subject to confirmation by the General Assembly. This bill also reorganizes the Code section and makes technical amendments to comply with the change in the appointing authority for the Advisory Board and the Joint Rules Committee Legislative Guidelines. Currently, the members of the Advisory Board are appointed by the Board of Education. Members serve three-year terms.

Patron - Lambert

SB545 Scholarship for Disabled Students Program; established. Establishes a scholarship program on behalf of disabled students in the Commonwealth to provide scholarships to a private school of choice for students with disabilities for whom an individual education plan has been written. The student's parent also has the option to enroll the student in another public school in the division, or in another public school in an adjacent division. Only nonsectarian private schools in Virginia holding a license to operate as a school for students with disabilities may participate in the Scholarship Program. The bill also requires the Board of Education to issue guidelines to aid local school divisions and private schools in the implementation of the Program.

Patron - Stosch

SB599 Physical education. Requires school boards to implement a requirement for physical education to be taught in grades kindergarten through 12.

Patron - Potts

CSB710 K-14 educational partnerships. Requires that, in addition to any other programmatic requirements and for the purpose of complementing and strengthening existing dual enrollment programs, each local school board shall, by July 1, 2007, establish a regional K-14 educational partnership. Each regional K-14 educational partnership shall be developed in cooperation with one or more community colleges in the region and may include partners from the private sector. Regional K-14 educational partnerships shall (i) provide academically rigorous curricula that provide qualified students the opportunity to specialize in career and technical subjects; (ii) be designed to articulate a specific high school curriculum with an identified community college curriculum; (iii) be devised as a seamless system of education permitting students to matriculate from high school classes to appropriate community college programs without interruption, obtain an associate degree or other credential from a community college, and, if desired by the student, continue his education in a four-year institution; and (iv) be structured and funded as a regional program, in a manner similar to Governor's schools. The Community Colleges are required to participate in the regional K-14 educational partnerships. The State Council of Higher Education is required to facilitate the development of necessary articulation agreements.

Patron - Hawkins

Educational Institutions

Passed

PHB36 Regulation of certain private and out-of-state institutions of higher education; civil penalty. Authorizes the State Council of Higher Education for Virginia to recover a civil penalty of up to \$1,000 for each violation of the chapter relating to regulation of certain private and out-of-state institutions. The civil penalty is available when there has been no criminal prosecution instituted against such postsecondary school.

Patron - Tata

PHB38 Education; accreditation of out-of-state vocational schools. Requires that all out-of-state academic-vocational noncollege degree schools operating in good standing in the Commonwealth prior to July 1, 2006, that have not obtained accreditation by an accrediting agency recognized by the United States Department of Education secure accreditation candidacy status by July 1, 2009, and full accreditation by July 1, 2012. Further, on and after July 1, 2006 all out-of-state academic-vocational noncollege degree schools, subject to the provisions of Chapter 21.1 of Title 23, must disclose their accreditation status in all written materials advertising or describing the school that are distributed to prospective or enrolled students or the general public.

Patron - Tata

PHB49 Repeal of Virginia Scholars Program. Repeals sections relating to the Virginia Scholars Program by recommendation of the State Council of Higher Education for Virginia and the Code Commission. The Virginia Scholars Program is no longer functional and does not receive appropriations.

Patron - Landes

PHB50 Repeal of Virginia Work-Study Program. Repeals provisions relating to the Virginia Work-Study Program by recommendation of the State Council of Higher Edu-

cation for Virginia and the Code Commission. The Virginia Work-Study Program is no longer functional and does not receive appropriations.

Patron - Landes

PHB57 Higher education; articulation agreements and transferable credits. Requires that if a student declares an intention to transfer credit from an institution within the Virginia Community College System to a four-year public institution, the articulation agreement in force at the time of the student's declaration will determine those credits that may be transferred if the student (i) completes an associate degree within four years of submitting a written declaration of intent to transfer to a four-year public institution of higher education in Virginia and (ii) enrolls in such institution within 18 months of completing an associate degree.

Patron - Fralin

PHB134 Public institutions of higher education; intellectual property. Removes limitations and requirements currently in place governing the assignment of intellectual property rights at public institutions of higher education. Instead, each institution will be required to adopt its own policies concerning assignment of intellectual property that will govern any research contracts to which it is a party. Each institution must forward a copy of its policies to the Joint Commission on Technology and Science and report annually to the Joint Commission on Technology and Science as to the assignment of any intellectual property interests by that institution. The bill removes the requirement that the State Council of Higher Education for Virginia create guidelines for institutions to follow in developing their policies. This bill is identical to SB 259.

Patron - Cosgrove

PHB305 Higher education; Office of Learning Technology. Creates the Office of Learning Technology within the State Council of Higher Education to facilitate and coordinate the voluntary participation of public and private institutions of higher education in the Commonwealth in technology-enriched initiatives. The Office is charged with establishing and administering agreements with nonprofit public and private institutions of higher education in the Commonwealth and other entities for the identification of unmet needs for technology-enriched educational programs and opportunities, and the development and delivery of technology-enriched initiatives, including distance and distributed learning initiatives, for currently served populations and underserved constituencies. In addition, the Office must (i) review technology-enriched learning initiatives and make recommendations to the Council regarding unnecessary duplication in such initiatives; (ii) assist in the development of standards for improving access to, training for, and efficiency in such learning initiatives; and (iii) enter into contracts for related program development. The bill is contingent on funding in the appropriation act. This bill is identical to SB 172.

Patron - Rust

PHB310 Higher education; State Council of Higher Education student advisory committee. Omits the requirement that appointees to the student advisory committee serve on the committee at least one year before they are eligible to be elected chairman of the committee.

Patron - Rust

PHB346 Restructured Higher Education Financial and Administrative Operations Act; campus security. Adds campus safety and security to the several state goals that public institutions of higher education participating in the Restructured Higher Education Financial and Administrative Opera-

tion Act must commit to the Governor and General Assembly to meet.

Patron - Hamilton

HB504 Reduced tuition rates for employees of the Virginia Community College System. Allows the State Board for Community Colleges to establish policies and guidelines providing for reduced tuition rates at Virginia's community colleges for employees of the Virginia Community College System.

Patron - Armstrong

HB517 Higher Education; New College Institute established. Establishes the New College Institute as an educational institution in the area of Martinsville and Henry Counties. The New College Institute is charged with, among other things, expanding educational opportunities in the region by providing access to degree-granting programs, including undergraduate, graduate, and professional programs, through partnerships with private and public institutions of higher education, the public schools, and public and private sectors; and seeking to diversify the region's economy by engaging the resources of other institutions of higher education, public and private bodies, and organizations of the region and state. The institute will be governed by a 12-member Board of Directors appointed as follows: seven nonlegislative members to be appointed by the Governor, three members to be appointed by the Speaker of the House of Delegates, and two members to be appointed by the Senate Committee on Rules. The Board would direct the development and focus of New College's curriculum. The curriculum would include appropriate and non-degree programs offered by other educational institutions. This bill is identical to SB 40.

Patron - Armstrong

HB695 In-state tuition for dependents of active duty military personnel. Provides that all dependents of active duty military personnel assigned to a permanent duty station in Virginia who reside in Virginia shall be deemed to be domiciled in the Commonwealth for purposes of eligibility for in-state tuition and shall be eligible to receive in-state tuition in Virginia. All dependents of such military personnel receiving in-state tuition shall be afforded the same educational benefits as any other individual receiving in-state tuition so long as they are continuously enrolled in an institution of higher education in Virginia or are transferring between Virginia institutions of higher education. This bill incorporates HB 482, HB 1135, and HB 1270 and is identical to SB 121.

Patron - Suit

HB910 University programs on awareness and prevention of sexual crimes. Directs the governing boards of educational institutions to establish programs, in cooperation with the State Council of Higher Education for Virginia and the Office of the Attorney General, to promote the awareness and prevention of sexual crimes committed upon students.

Patron - Oder

HB1244 Virginia Mathematics, Science, Engineering, and Technology Career Grant Program. Creates the Virginia Mathematics, Science, Engineering, and Technology Career Grant Program for the purpose of providing higher education grants to domiciles of Virginia who are enrolled in an undergraduate program preparing students for careers in professions in the areas of mathematics, science, engineering, and technology. The State Council of Higher Education for Virginia is designated as the administering agency for the program and is authorized to promulgate necessary and appropriate regulations for the disbursement of grants and the administration of the program, including the identification of undergraduate

programs and careers in the areas of mathematics, science, engineering, and technology. To receive a grant under this program, a person must (i) be a Virginia domicile; (ii) be enrolled in an undergraduate program in the area of mathematics, science, engineering, or technology; (iii) maintain a cumulative grade point average of at least 2.5; and (iv) sign a promissory note agreeing to begin employment in the Commonwealth in the area of mathematics, science, engineering, or technology within six months of receiving an undergraduate degree and to continue such employment in the Commonwealth for at least two years. Qualifying students are eligible to receive a grant for four academic years or the equivalent number of credit hours. The bill is contingent on funding in the appropriation act.

Patron - Hugo

HB1272 Virginia War Orphan Education Program; definition of disability. Amends the Virginia War Orphan Education Program to (i) rename the program as the "Military Survivors and Dependents Education Program"; and (ii) expand eligibility to the spouse or child between the ages of 16 and 29 of a military service member who, during military operations against terrorism, a peace-keeping mission, a terrorist act, or any armed conflict, is killed, missing in action, a prisoner of war, or at least 90 percent disabled as rated by the United States Department of Veterans Affairs. Eligibility for benefits under the Program must be established through documentation from the United States Department of Veterans Affairs. The Commissioner of the Department of Veterans Services is directed to designate a senior-level official to be responsible for developing and implementing the agency's strategy for disseminating information about the Military Survivors and Dependents Education Program to disabled veterans whose dependents qualify and to survivors of veterans who may qualify. The Commissioner of the Department of Veteran Services must report annually to the Governor and General Assembly as to the agency's policies and strategies relating to dissemination of information about the Program and the number of current beneficiaries, the educational institutions attended by beneficiaries, and the completion rate of the beneficiaries.

Patron - Janis

HB1478 Textbook sales at public institutions of higher education. Requires the governing boards of public institutions of higher education to implement policies, procedures, and guidelines that encourage efforts to minimize the cost of textbooks for students at colleges and universities while maintaining the quality of education and academic freedom. The guidelines must ensure (i) that faculty textbook adoptions are made with sufficient lead time to university- or contract-managed bookstores so as to confirm availability of the requested materials and, where possible, ensure maximum availability of used textbooks; (ii) that, in the textbook adoption process, the intent to use all items ordered, particularly each individual item sold as part of a bundled package, is affirmatively confirmed by the faculty member before the adoption is finalized. If the faculty member does not intend to use each item in the bundled package, he must notify the bookstore, and the bookstore must order the individualized items when their procurement is cost effective for both institutions and students and such items are made available by the publisher; (iii) that faculty members affirmatively acknowledge the bookstore's quoted retail price of textbooks selected for use in each course; (iv) that faculty be encouraged to limit their use of new edition textbooks when previous editions do not significantly differ in a substantive way as determined by the appropriate faculty member; and (v) that the establishment of policies must include provisions for the availability of required textbooks to students otherwise unable to afford the cost. The measure fur-

ther provides that no funds for financial aid from university bookstore revenue may be counted in the calculation for state appropriations for student financial aid.

Patron - Oder

HB1502 Management agreements with certain institutions of higher education. Provides management agreements between the Commonwealth and Virginia Polytechnic Institute and State University, The College of William and Mary in Virginia, and the University of Virginia, respectively, pursuant to the Restructured Higher Education Financial and Administrative Operations Act. This bill is identical to SB 675.

Patron - Callahan

SB40 Higher Education; New College Institute established. Establishes the New College Institute as an educational institution in the area of Martinsville and Henry Counties. The New College Institute is charged with, among other things, expanding educational opportunities in the region by providing access to degree-granting programs, including undergraduate, graduate, and professional programs, through partnerships with private and public institutions of higher education, the public schools, and public and private sectors; and seeking to diversify the region's economy by engaging the resources of other institutions of higher education, public and private bodies, and organizations of the region and state. The institute will be governed by a 12-member Board of Directors appointed as follows: seven nonlegislative members to be appointed by the Governor, three members to be appointed by the Speaker of the House of Delegates, and two members to be appointed by the Senate Committee on Rules. The Board would direct the development and focus of New College's curriculum. The curriculum would include appropriate and non-degree programs offered by other educational institutions. This bill is identical HB 517.

Patron - Reynolds

SB54 Southern Virginia Higher Education Center; board of trustees. Modifies the membership of the board of trustees to allow the Speaker of the House of Delegates to appoint an alternate for any Delegate appointed to the board and the Senate Committee on Rules to appoint an alternate for the Senator appointed to the board.

Patron - Ruff

SB121 In-state tuition for certain military personnel and dependents. Provides that all dependents of active duty military personnel assigned to a permanent duty station in Virginia who reside in Virginia shall be deemed to be domiciled in the Commonwealth for purposes of eligibility for in-state tuition and shall be eligible to receive in-state tuition in Virginia. All dependents of such military personnel receiving in-state tuition shall be afforded the same educational benefits as any other individual receiving in-state tuition so long as they are continuously enrolled in an institution of higher education in Virginia or are transferring between Virginia institutions of higher education. This bill is identical to HB 695.

Patron - O'Brien

SB259 Public institutions of higher education; intellectual property. Removes limitations and requirements currently in place governing the assignment of intellectual property rights at public institutions of higher education. Instead, each institution will be required to adopt its own policies concerning assignment of intellectual property that will govern any research contracts to which it is a party. Each institution must forward a copy of its policies to the Joint Commission on Technology and Science and report annually to the Joint Commission on Technology and Science as to the assign-

ment of any intellectual property interests by that institution. The bill removes the requirement that the State Council of Higher Education for Virginia create guidelines for institutions to follow in developing their policies. This bill is identical to HB 134.

Patron - Wagner

SB486 Admission of state cadets at the Virginia Military Institute. Amends provisions for the admission of state cadets to provide that, upon evidence of fair moral character, sufficient state cadets, selected from the Commonwealth at large, must be admitted by the VMI Board of Visitors. Currently, at least fifty state cadets are selected from each senatorial district and from the Commonwealth at large. The measure also provides for military scholarship cadets. Up to 40 such cadets are to be admitted by the Board of Visitors to receive financial aid in exchange for a commitment to serve as commissioned officers in the Virginia National Guard for a term in accordance with Guard policy and regulation. If a military scholarship cadet fails to fulfill the obligation to serve in the Virginia National Guard, he must repay the scholarship unless excused from the obligation by the VMI Board of Visitors, in consultation with the Virginia National Guard. The financial assistance for the military scholarship cadets must be entirely from federal funds, Virginia National Guard funds, or private gifts that do not have matching requirements.

Patron - Norment

SB538 Articulation, transfer, and dual enrollment and admissions agreements. Requires all four-year public institutions of higher education to develop articulation, transfer, and dual enrollment and admissions agreements, including dual admissions programs for qualified students to be simultaneously accepted by a community college and, contingent upon the successful completion of an acceptable associate degree program from the community college, by the four-year public institution of higher education. The State Council of Higher Education must include in its guidelines for these agreements conditions required to establish dual admissions programs that set forth the obligations of the students accepted in the programs, including grade point average requirements, acceptable associate degree programs, completion timetables, and the students' access to the privileges of enrollment in both institutions while attending either institution.

Patron - Stosch

SB542 In-state tuition; limitation on eligibility. Provides that students entitled to in-state tuition will be assessed a surcharge upon satisfactorily completing 125 percent of credit hours needed to obtain a degree in the student's chosen program. The surcharge will be an amount calculated to equal 100 percent of the average cost of the student's education at the relevant institution less tuition and mandatory educational and general fee charges assessed to a student meeting Virginia domiciliary status who has not exceeded 125 percent of such credit hours. Certain courses and credit hours are excluded from the calculation of the 125 percent of the credit hours needed to satisfy the degree requirements for the "credit hour threshold," e.g., remedial courses and credits obtained through advanced placement or international baccalaureate programs or dual enrollment while in high school. A waiver of the surcharge may be granted by the relevant institution, in accordance with the guidelines and criteria established by the State Council of Higher Education for Virginia (SCHEV). Waiver criteria may include, but need not be limited to, illness or disability or active service in the armed forces of the United States. A second enactment clause requires SCHEV to revise its guidelines for determining in-state tuition charges, which are not subject to the Administrative Process Act, to include these requirements by July 1, 2006, including, but not limited

to, notice to students who may be or may become subject to the surcharge and determinations of extenuating circumstances.

Patron - Stosch

PSB675 Management agreements with certain institutions of higher education. Provides management agreements between the Commonwealth and Virginia Polytechnic Institute and State University, The College of William and Mary in Virginia, and the University of Virginia, respectively, pursuant to the Restructured Higher Education Financial and Administrative Operations Act. This bill is identical to HB 1502.

Patron - Houck

Failed

FHB154 Campus police; certain reports required; participation and cooperation in investigations. Requires, regardless of whether a public or private institution of higher education has entered into a mutual aid agreement to maintain peace and good order with the governing bodies of localities pursuant to § 15.2-1727, the campus police chief or other chief law enforcement officer of such institution of higher education or his designee to immediately notify the primary local law-enforcement agency of the jurisdiction in which the institution is located of (i) the death of any person on the property of the institution when such person is medically unattended and (ii) any report alleging a rape has occurred on the property of the institution. Campus police and all other employees of such institution of higher education must participate in any subsequent investigation and cooperate with the-law enforcement agency leading the investigation. This bill was incorporated into HB 1036.

Patron - Alexander

FHB262 Admission of illegal aliens to public institutions of higher education. Provides that an alien who is unlawfully present in the United States shall not be eligible for enrollment in any public institution of higher education in the Commonwealth. This bill incorporates HB 892.

Patron - Hargrove

FHB272 Geographical equity in admission to institutions of higher education; pilot program. Directs the State Council of Higher Education for Virginia to develop and implement a pilot program for the purpose of providing geographical equity in the admission of Virginia domiciles to the public institutions of higher education in the Commonwealth. The Council must determine which areas of the Commonwealth routinely experience disproportionately low acceptance rates at Virginia's public institutions of higher education by calculating the percentage of applicants in each locality that are accepted and enrolled at Virginia's public colleges and universities and comparing such percentages with the aggregate percentages of Virginia domiciles that are accepted and enrolled in Virginia's public colleges and universities. Any academically qualified student residing in an area experiencing a disproportionately low acceptance rate who is a domicile of Virginia and is denied admission to a public institution of higher education in Virginia shall be admitted and enrolled in such institution for the following academic year if such student completes, within one month prior to the commencement of the academic year immediately following the academic year for which he was denied admission, at least 20 hours of community service per week for a period of 30 weeks. The Council shall determine the types of community service that will meet this requirement and make available a list of such community service opportunities. The provisions of this act shall expire on July 1, 2009.

Patron - Poisson

FHB361 Admission of state cadets at the Virginia Military Institute. Amends provisions for the admission of state cadets to provide that sufficient state cadets, selected from the Commonwealth at large, must be admitted by the VMI Board of Visitors. Currently, at least fifty state cadets are selected from each senatorial district and from the Commonwealth at large. The measure also provides for military scholarship cadets. Up to 40 such cadets are to be admitted by the Board of Visitors to receive financial aid in exchange for a commitment to serve as a commissioned officer in the Virginia National Guard for a term in accordance with Guard policy and regulation.

Patron - Linghamfelter

FHB480 Commonwealth Scholars Program. Creates the Commonwealth Scholars Program, consisting of scholarships awarded to Virginia public high school graduates finishing in the top 5 percent of their respective classes, passing the required Standards of Learning assessments, and enrolled as full-time undergraduate students in any accredited, degree-granting public institution of higher education in Virginia. Scholarships shall support the full cost of tuition for one year only and may not be applied to fees, room, board, or other educational expenses. Should available funds be insufficient to provide full tuition, the State Council of Higher Education will determine the amounts of scholarship awards.

Patron - Frederick

FHB482 In-state tuition for certain military personnel and dependents. Provides that all military personnel on active duty for more than 30 days, both regular and reserves, who are domiciled in Virginia or are assigned to a permanent duty station in Virginia and their dependents living in Virginia, who are not otherwise eligible for in-state tuition, shall be entitled to in-state tuition for as long as they are continuously enrolled. This bill was incorporated into HB 695.

Patron - Frederick

FHB682 Student Financial Security Program. Creates the Student Financial Security Program to provide supplemental funding for state-funded, need-based financial aid at two- and four-year public institutions of higher education in the Commonwealth. The funding is designed to ensure that resources for student financial aid programs based in whole or in part on need are available to offset tuition increases at the various public institutions.

Patron - Rust

FHB702 Southern Virginia Higher Education Center. Changes the title of the supervisor and manager of the Southern Virginia Higher Education Center from executive director to president.

Patron - Hogan

FHB734 Community College Transfer Grant program. Establishes the Community College Transfer Grant program, to be administered by the State Council of Higher Education for Virginia, for the purpose of providing need-based higher education grants to domiciles of Virginia who have successfully completed an acceptable associate degree program at a Virginia community college and have been admitted to an accredited nonprofit public or private institution of higher education in the Commonwealth. To be eligible to receive a grant under this program, students must be Virginia domiciles and must have maintained a cumulative grade point average of 2.5 or higher while enrolled in an associate degree program at a Virginia community college. Students may

receive grants for up to two academic years. This bill was incorporated into HB 1136.

Patron - Jones, S.C.

HB892 Prohibiting admission of illegal aliens to public institutions of higher education. Provides that persons who are unlawfully present in the country may not be admitted to any public institution of higher education in Virginia. This bill was incorporated into HB 262.

Patron - Gear

HB1050 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 postsecondary 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. This bill incorporates HB 1135.

Patron - Reid

HB1053 Virginia Museum of Fine Arts; service charge. Clarifies that the Virginia Museum of Fine Arts is within the category of "educational institution" and thus exempts the museum from the assessment and levy of a service charge pursuant to § 58.1-3400.

Patron - Reid

HB1102 Community College Transfer Grant program. Establishes the Community College Transfer Grant program, to be administered by the State Council of Higher Education for Virginia, for the purpose of providing higher education grants to domiciles of Virginia who have successfully completed an acceptable associate degree program at a Virginia community college and have been admitted to an accredited public institution of higher education in the Commonwealth. To be eligible to receive a grant under this program, students must be Virginia domiciles and must have maintained a cumulative grade point average of 3.0 or higher while enrolled in an associate degree program at a Virginia community college. Students may receive grants for up to two academic years. The amount of grants awarded is based on the difference between the cost of tuition and educational and general fees paid by the recipient at a community college and the cost of such tuition and fees at the public institution of higher education in which the student has been enrolled. As an incentive to institutions of higher education enrolling grant recipients, each such college or university will receive a grant of an amount specified in the appropriation act for each student it enrolls who receives a community college transfer grant. This bill was incorporated into HB 1136.

Patron - Athey

HB1135 In-state tuition and educational benefits for illegal aliens and certain military personnel and dependents. Provides that an alien who is unlawfully present in the United States shall not be eligible on the basis of residency within Virginia for any postsecondary educational benefit including, but not limited to, in-state tuition and state financial aid, 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. The measure further provides that all military personnel on active duty for more than 30 days, both regular and reserves, who are domiciled in Virginia or are assigned to a permanent duty station in Virginia and their dependents living in Virginia, who are not otherwise eligible for in-state tuition, shall be entitled to in-state tuition for as long as they are con-

tinuously enrolled. This bill was incorporated into HB 695 and HB 1050.

Patron - Cline

HB1136 Community College Transfer Grant program. Establishes the Community College Transfer Grant program, to be administered by the State Council of Higher Education for Virginia, for the purpose of providing higher education grants to domiciles of Virginia who have successfully completed an acceptable associate degree program at a Virginia community college or public two-year educational institution and have been admitted to an accredited nonprofit public or private institution of higher education in the Commonwealth. To be eligible to receive a grant under this program, students must be Virginia domiciles and must have maintained a cumulative grade point average of 3.0 or higher while enrolled in an associate degree program at a Virginia community college or public two-year educational institution. Students may receive grants for up to two academic years. The amount of grants awarded is based on the difference between the cost of tuition and educational and general fees paid by the recipient at a Virginia community college or public two-year educational institution and the average cost of such tuition and fees at a Virginia public institution of higher education, as determined by the State Council of Higher Education for Virginia. This bill incorporates HB 734 and HB 1102.

Patron - Cline

HB1137 Closure of Richard Bland College. Provides that, as an alternative to establishing a public four-year institution of higher education in the Southside region of the Commonwealth, Richard Bland College shall be closed on August 1, 2007. The President and Board of Visitors of the College of William and Mary are directed to transfer all real and personal property held in the name of Richard Bland College to the Executive Director and Board of Trustees of the Southern Virginia Higher Education Center on July 1, 2007. Enactment clauses provide that (i) the Commonwealth will incur no costs resulting from the provisions of this act; (ii) the transition to close Richard Bland College shall begin on July 1, 2006; (iii) the Board of Visitors of the College of William and Mary must institute an orderly phase-out of programs at Richard Bland College in a manner to assist the students who are enrolled at Richard Bland College on January 1, 2006, to complete their educational programs including, but not limited to, providing such students as may be eligible an opportunity to transfer to the College of William and Mary; (iv) any entity, location, or precinct including the title "Richard Bland College" is not affected by the provisions of this act; and (v) Richard Bland College shall not accept or enroll any new students after January 1, 2006.

Patron - Cline

HB1247 Admissions policies. Requires the board of visitors or other governing body of each public institution of higher education in Virginia to establish admissions policies that prohibit discrimination on the basis of the geographical region of the Commonwealth where the applicant resides.

Patron - Hugo

HB1270 In-state tuition for certain military personnel and dependents. Provides that all military personnel on active duty for more than 30 days, both regular and reserves, who are domiciled in Virginia or are assigned to a permanent duty station in Virginia and their dependents living in Virginia, who are not otherwise eligible for in-state tuition, shall be entitled to in-state tuition for as long as they are continuously enrolled. This bill was incorporated into HB 695.

Patron - Janis

HB1342 Virginia College Savings Plan; deferment for military service. Provides that, notwithstanding any pre-paid tuition contract or savings trust agreement to the contrary, if a qualified beneficiary serves in the military following graduation from high school, the period of time specified in such contract or trust agreement for unclaimed moneys to be reported to the State Treasurer shall be tolled for the amount of time such qualified beneficiary was called to active duty in the armed forces of the United States.

Patron - Bell

HB1393 Virginia Mathematics, Science, and Technology Education Grant Program and Fund. Creates the Virginia Mathematics, Science, and Technology Education Grant Program and Fund for the purpose of providing higher education grants to residents of Virginia who are enrolled in a chemistry, computer engineering, electrical engineering, mathematics, mechanical engineering, or physics undergraduate or graduate degree program. The State Council of Higher Education for Virginia is designated as the administering agency for the program and is authorized to promulgate necessary and appropriate regulations for the disbursement of grants and the administration of the program. To receive a grant under this program, a person must (i) be a Virginia domicile; (ii) be enrolled in one of the above mentioned degree programs; (iii) maintain a cumulative grade point average of at least 2.0; and (iv) sign a promissory note agreeing to begin employment in the Commonwealth in the area of mathematics, science, engineering, or technology within six months of receiving an undergraduate or graduate degree and to continue such employment in the Commonwealth for at least four years. Qualifying students are eligible to receive a grant for five consecutive academic years. This bill was incorporated into HB 1244.

Patron - Cosgrove

HB1459 Higher Education; tuition lock certificate program. Authorizes the governing bodies of the public institutions of higher education to establish, beginning with the 2006-2007 academic year, a tuition lock certificate (TLC) program that prospectively fixes the cost of tuition and fees for incoming undergraduate freshmen students for four consecutive years under the following conditions: (i) eligible students shall be enrolled full-time and remain continuously enrolled as full-time students for the period of eligibility for the TLC; (ii) a class rate is annually established, in accordance with any requirements set forth in the appropriation act; (iii) rules are clearly established for the TLC to address eligibility of undergraduate freshmen, the eligibility of transfer students, and any unforeseen circumstances that may require eligible students to take a leave of absence from the institution; and (iv) literature is disseminated to all students applying to the relevant institution that clearly and concisely explains program eligibility, costs, and terms vis-a-vis the costs associated with part-time enrollment. Any TLC program must provide a class rate for in-state students and may also establish a higher class rate for out-of-state students.

Patron - Kilgore

HB1572 University rules and regulations relating to students with concealed handgun permits. Provides that no board of visitors or other governing body of an educational institution shall have the authority to establish rules or regulations limiting or abridging the ability of a student with a valid concealed handgun permit from lawfully carrying a concealed handgun. However, boards of visitors or other governing bodies of educational institutions may establish such rules or regulations relating to (i) students receiving military training in the Reserved Officers' Training Corps or other military training

program administered by the educational institution, (ii) students engaging in athletic events, and (iii) the storage of firearms in campus dormitories.

Patron - Gilbert

HB1596 Admission of in-state students at public institutions of higher education. Provides that the board of visitors or other governing body of each public institution of higher education must establish rules and regulations requiring that at least 75 percent of students admitted and enrolled at the institution be Virginia domiciles.

Patron - Hugo

SB92 Virginia Museum of Fine Arts; service charge. Clarifies that the Virginia Museum of Fine Arts is within the category of "educational institution" and thus exempts the museum from the assessment and levy of a service charge pursuant to § 58.1-3400.

Patron - Watkins

SB94 Student Financial Security Program. Creates the Student Financial Security Program to provide supplemental funding for state-funded, need-based financial aid at two- and four-year public institutions of higher education in the Commonwealth. The funding is designed to ensure that resources for student financial aid programs based in whole or in part on need are available to offset tuition increases at the various public institutions. A second enactment clause requires that this act will not become effective unless an appropriation of general funds is included in the general appropriation act, passed by the 2006 Session of the General Assembly, and becomes law.

Patron - Houck

SB130 Community College Transfer Grant program. Establishes the Community College Transfer Grant program, to be administered by the State Council of Higher Education for Virginia, for the purpose of providing higher education grants to domiciles of Virginia who have successfully completed an acceptable associate degree program at a Virginia community college and have been admitted to an accredited nonprofit public or private institution of higher education in the Commonwealth. To be eligible to receive a grant under this program, students must be Virginia domiciles and must have maintained a cumulative grade point average of 3.0 or higher while enrolled in an associate degree program at a Virginia community college. Students may receive grants for up to two academic years. The amount of grants awarded is based on the difference between the cost of tuition and educational and general fees paid by the recipient at a community college and the cost of such tuition and fees at the institution of higher education in which the student has been enrolled. As an incentive to institutions of higher education enrolling grant recipients, each such college or university will receive a grant of an amount specified in the appropriation act for each student it enrolls who receives a community college transfer grant. This bill was incorporated into SB 540.

Patron - O'Brien

SB172 Higher education; Office of Learning Technology. Creates the Office of Learning Technology within the State Council of Higher Education to facilitate and coordinate the voluntary participation of public and private institutions of higher education in the Commonwealth in technology-enriched initiatives. The Office is charged with establishing and administering agreements with nonprofit public and private institutions of higher education in the Commonwealth and other entities for the identification of unmet needs for technology-enriched educational programs and opportunities, and the development and delivery of technology-enriched initiatives,

including distance and distributed learning initiatives, for currently served populations and underserved constituencies. In addition, the Office must (i) review technology-enriched learning initiatives and make recommendations to the Council regarding unnecessary duplication in such initiatives; (ii) assist in the development of standards for improving access to, training for, and efficiency in such learning initiatives; and (iii) enter into contracts for related program development. A second enactment clause provides that this act will not become effective unless funded in the general appropriation act passed by the 2006 Session of the General Assembly.

Patron - Quayle

SB539 Private College Enrollment Grant Program. Creates the Private College Enrollment Grant Program for the purpose of providing higher education grants on a per capita basis to private nonprofit institutions of higher education that agree, in the interest of providing access to higher education for Virginia's burgeoning student population, to enroll Virginia domiciles. The State Council of Higher Education for Virginia is designated as the administering agency of the program and is authorized to solicit or receive unsolicited grant proposals and enter into contracts with private nonprofit institutions of higher education having their main campus in Virginia to provide grants on a per capita basis to such institutions on behalf of enrolled Virginia domiciles. The Council is also authorized to promulgate necessary and appropriate regulations to administer the program, including measures to ensure the reduction of out-of-pocket tuition costs to Virginia's student population. An enactment clause declares that the provisions of the act shall not become effective unless an appropriation of general funds effectuating the purposes of the act is included in the general appropriation act passed by the 2006 Session, which becomes law.

Patron - Stosch

SB540 Community College Transfer Grant Program. Establishes the Community College Transfer Grant Program for the purpose of providing higher education grants or vouchers to domiciles of Virginia who have successfully completed an acceptable associate degree program at a Virginia community college or Richard Bland College and have been admitted to an accredited nonprofit public or private institution of higher education in the Commonwealth. The State Council of Higher Education for Virginia (SCHEV) is designated as the administering agency of the program and must promulgate necessary and appropriate regulations for its administration. The amount of the award will either be based on the difference between the cost of tuition paid by the recipient at a Virginia community college and the cost of such tuition at the four-year institution of higher education in which the student has been enrolled, or in the case of transfer to a private four-year college or university, the difference between the cost of tuition paid by the recipient at a Virginia community college and the average cost of such tuition at a Virginia public four-year institution of higher education. The grants must be used to reimburse the eligible students for a portion of the tuition and mandatory fees paid by the student to such institution for the academic year. Eligibility for the program is limited to domiciles of the Commonwealth, and recipients of grants or vouchers may only receive such tuition assistance for two academic years or the equivalent number or credit hours. Enactment clauses provide that after July 1, 2011, grant payments under the Program must be paid from higher education cost savings resulting from increased enrollments at Virginia community colleges and Richard Bland College and that the provisions of the act will not become effective unless an appropriation of general funds effectuating the purposes of the act is included in a general

appropriation act passed by the 2008 Session. This bill incorporates SB 130.

Patron - Stosch

SB581 Educational institutions; required disclosure by governing body. Requires the governing bodies of public institutions of higher education to annually disclose all factors used in admission decisions, such as geographic diversity, academic achievement, race, ethnicity, religion, or extracurricular activities.

Patron - Cuccinelli

Carried Over

HB935 State Council of Higher Education for Virginia; creation of nonstock corporation to support academic research. Requires the State Council of Higher Education for Virginia to establish a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions, to assist the Council in (i) supporting academic research in Virginia; (ii) encouraging research initiatives, with an emphasis on biological systems and nanotechnology, to support Virginia industry; and (iii) conducting or undertaking other activities useful in carrying out the provisions of this section. The Council shall require such corporation to report to it at least annually on its activities. The bill sets out the composition of the board of directors for such corporation.

Patron - Nutter

HB1107 Higher education; articulation agreements. Requires that articulation agreements between public four-year institutions of higher education and institutions within the Virginia Community College System include minimum numbers of associate degree graduates the institution of higher education will admit and enroll annually as transfer students from Virginia's community colleges. The State Council of Higher Education for Virginia, the Virginia Community College System, and each institution of higher education must agree on the minimum number of associate degree graduates each institution of higher education will annually admit and enroll as transfer students from community colleges. The State Council of Higher Education must submit an annual report to the Senate Committee on Education and Health and the House Committee on Education specifying the total number of transfer students each institution of higher education accepted from community colleges and whether such numbers meet the minimum number of such transfer students each institution agreed to accept.

Patron - Athey

HB1293 Virginia Early Graduation Incentive Grant Program. Establishes the Virginia Early Graduation Incentive Grant Program for the purpose of providing grants to Virginia students who (i) have received an undergraduate degree within three years from an accredited institution of higher education in Virginia, (ii) are enrolled in a graduate program preparing students for careers in professions having workforce shortages, and (iii) have agreed to work in Virginia upon receiving a graduate degree. The State Council of Higher Education for Virginia is designated as the administering agency for the program and must promulgate necessary and appropriate regulations for the disbursement of grants and the administration of the program. Before grants are awarded, recipients must sign a promissory note under which they agree (i) to begin employment in the Commonwealth within six months of receiving a graduate degree and (ii) to continue such employment in the Commonwealth for at least three years.

Only students who maintain a 3.0 grade point average while enrolled as an undergraduate are eligible to participate in the program, and eligibility is limited to two academic years or the equivalent number of credit hours.

Patron - Saxman

SB490 Sexually transmitted infections; testing. Requires Virginia four-year public colleges and universities to provide STI testing free of charge to students. In order to fund the requirement, the institutions may raise their student activities fee by \$5.

Patron - Quayle

SB677 In-state tuition rates; prohibited for certain individuals. Prohibits the board of visitors or other governing body of a public institution of higher education in the Commonwealth from authorizing in-state tuition rates for individuals who are not citizens or nationals of the United States, are unlawfully present in the United States, or do not possess a valid visa. However, a new subsection provides that, notwithstanding the provisions regarding the governing bodies' mandates, any person meeting certain conditions will be eligible for in-state tuition, i.e., resided in Virginia while attending high school; graduated from a public or private high school in Virginia; resided in the Commonwealth for at least three years prior to the date of high school graduation; registered in an institution of higher education; provided an affidavit stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he is eligible; and has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, has filed, unless exempted by state law, Virginia income tax returns for at least three years prior to the date of enrollment.

Patron - Hanger

Elections

Passed

HB24 Assistance to persons voting by absentee ballot; penalties. Provides that a violation of the law on assistance for persons voting by absentee ballot constitutes a Class 5 felony.

Patron - Purkey

HB61 Elections; voter registration; duties of State Board of Elections. Adds to the provision under which the State Board requires local registrars to remove voters' names from the registered voter lists in appropriate cases, a requirement to delete the names of voters who are not United States citizens. The bill specifies that the Board will institute procedures to implement the requirements set out in the section and requires notice to be sent to any registered voter whose registration is cancelled because of noncitizen status.

Patron - Albo

HB71 Certification of political party candidates for general, special, and primary elections. Provides that the individual who acts for the party to certify candidates for the party primary or as party nominees shall not be a candidate for that primary or election. The party shall designate another party official to certify its candidates in such cases.

Patron - Orrock

HB105 Disclosure requirements for political campaign advertisements; definitions. Broadens the definition of "print media" to cover any printed matter disseminated by mail. "Print media" now includes mass mailings of 500 or more pieces of mail.

Patron - Brink

HB138 Elections; voter registration. Creates a presumption with respect to the spouse or dependent of a member of the military or merchant marine that the spouse or dependent who has a physical presence and place of abode in Virginia has established domicile in Virginia and residence for purposes of voting, unless the spouse or dependent expressly states otherwise.

Patron - Cole

HB170 Elections; voter registration; citizenship status. Requires the Department of Motor Vehicles to furnish monthly lists to the State Board of Elections of license applicants who indicate a non-citizen status on their applications, and directs the State Board to forward the information to the general registrars. Non-citizen status constitutes grounds for cancelling a person's voter registration. This bill is identical to SB 313.

Patron - Lingamfelter

HB291 Campaign finance; special disclosure requirements for certain committees; civil penalties. Requires federal and IRS 527 committees contributing more than \$10,000 to candidates in Virginia to register with the State Board of Elections. Information on contributors to federal committees will be made available by the Board through a link to filings at the Federal Election Commission. Information on contributors of \$2,500 or more to 527 committees will be filed with the State Board and available to the public. Candidates accepting more than \$10,000 from a committee must verify that the committee has registered with the State Board. Civil penalties are imposed for accepting or making contributions in violation of the act. This bill incorporates HBs 503 and 1088 and is identical to SB 436.

Patron - Jones, S.C.

HB292 Campaign finance disclosure; definitions; exemptions. Provides that the exemption for Internal Revenue Code § 501 (c) (3) organizations will also apply to § 501 (c) (4) and (6) organizations so long as the organization does not advocate the election or defeat of an identified candidate. This is a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to HJR 667 (2005). This bill is identical to SB 228.

Patron - Jones, S.C.

HB294 Campaign finance disclosure; definitions; independent expenditures. Retains the present law amounts that trigger reporting requirements applicable to independent expenditures: \$500 in statewide elections and \$200 in other elections. Clarifies that any person, candidate committee, or political committee may be subject to the independent expenditure reporting requirements. As introduced, this was a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to HJR 667 (2005).

Patron - Jones, S.C.

HB295 Campaign finance disclosure; statements of organization; petty cash funds; depository requirements. Increases from \$100 to \$200 the amount of a credit card charge that may be reimbursed from petty cash funds by a candidate

campaign committee. Provides that other political committees will have the same authority as a candidate campaign committee (i) to use a petty cash fund and (ii) to invest funds in an interest-bearing account so long as all expenditures are made through the committee's designated depository account. This is a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to HJR 667 (2005). This bill is identical to SB 227.

Patron - Jones, S.C.

HB297 Campaign finance; special reports of large pre-election contributions. Redefines large contributions requiring special reports to be more than \$5,000 for statewide campaigns, more than \$1,000 for General Assembly campaigns, and more than \$500 for other campaigns. Present law requires reports for contributions greater than \$1,000 in statewide campaigns and \$500 in other campaigns. The bill also requires the special reports to be filed by 5:00 p.m. on the day following receipt, or by 5:00 p.m. on the following Monday if received on a Saturday, rather than "on the next business day."

Patron - Jones, S.C.

HB470 Special elections to fill vacancies in constitutional offices. Provides that the general law provision calling for a special election to fill a vacancy in a constitutional office overrides any other provision in a charter that may provide a different method to fill the vacancy.

Patron - Ingram

HB773 House of Delegates districts. Makes technical changes in the boundary line between the Seventeenth and Nineteenth House of Delegates districts within Botetourt County to eliminate splits of three current voting precincts. All of the Cloverdale Precinct will be in the Seventeenth district; all of the Amsterdam and Rainbow Forest Precincts in the Nineteenth District.

Patron - Putney

HB783 Page County School Board; referendum. Provides for a referendum in the County at the November 2006 election on the question of whether the school board should be elected biennially for staggered four-year terms. This bill is identical to SB 342.

Patron - Gilbert

HB884 Elections; special elections to fill vacancies in constitutional offices; absences. Provides that the absence from the county or city of a constitutional officer because of service in the armed forces does not create a vacancy in the office unless the officer provides written notice of his resignation. The bill further provides that the power to relieve the officer of his duties or powers during an absence remains the sole prerogative of the officer unless waived by him in writing.

Patron - Griffith

HB929 Elections; absentee ballots and certain deadlines. Provides that applications for mailed absentee ballots must be received by 5:00 p.m. on the seventh day before the election rather than at least five days before the election.

Patron - Ingram

HB972 Campaign Finance Disclosure Act of 2006. Enacts a new campaign finance disclosure act; reorganizes and clarifies provisions in the act; amends various cross-references to the act; and repeals the existing act. The bill is the result of a review of the act undertaken by the State Board of Elections pursuant to House Joint Resolution 667 (2005).

Patron - Jones, S.C.

HB1065 Campaign finance disclosure; reports as condition to qualify for office; penalties. Revises and increases the civil penalties applicable to the filing of incomplete campaign finance reports.

Patron - Watts

HB1143 Campaign finance; filings by candidates and campaign committees; statements of organization. Provides that a candidate's statement of organization shall be filed within 10 days of appointing a campaign treasurer or designating his campaign committee or depository. The bill retains the present law requirement for a candidate to comply with campaign finance disclosure act provisions upon the acceptance of any campaign contribution. The bill also provides that a General Assembly candidate files his statement of organization with the State Board of Elections and files a copy of it with the local electoral board where he resides.

Patron - Orrock

HB1172 Elections; definitions and age qualification to vote. Adds language to specify that a person must be 18 years of age "on or before the day" of the election to be qualified to vote in the election or be qualified by law to vote in the special and primary elections held immediately before the general election day by which he will be 18 years of age.

Patron - Rapp

HB1175 Elections; post-election procedures; recounts. Provides for political party and candidate representatives to be present during certain post-election procedures: any examination of sealed voting devices on authorization of the State Board of Elections; an examination of sealed ballots on authorization of the State Board or local board; and the electoral board meeting to ascertain the results of the election. The bill requires the State Board to post on the Internet notice of changes made to the election night results by local electoral boards and made to certified results by a recount court.

Patron - Rapp

HB1177 Requirements for political campaign advertisements; increased civil penalties. Increases the civil penalty from an amount not to exceed \$100 to an amount not to exceed \$1,000 for violations of the basic requirements and from an amount not to exceed \$500 to an amount not to exceed \$1,000 for violations of special requirements for radio and television advertisements. The bill also provides for a civil penalty not to exceed \$2,500 for a violation occurring during the 14 days before or on election day, and it raises from \$5,000 to \$10,000 the cap on penalties for multiple broadcasts of one advertisement. As passed, this bill is identical to SB 265.

Patron - Rapp

HB1327 Elections; absentee voting procedures and provisional ballots for certain voters. Permits a voter who applied for but has not received an absentee ballot to vote a provisional ballot at his polling place upon his signed statement that he has not received or voted an absentee ballot. Current law requires that the voter who did not receive an absentee ballot and who lives in a locality that has established a central absentee voter precinct must be sent to that precinct to vote. This bill is identical to HB 685.

Patron - McClellan

HB1463 Contested election for Governor, Lieutenant Governor, Attorney General, or the General Assembly. Provides for a surety bond of \$10 per precinct in contested elections for statewide office and \$100 per precinct in contested elections for the General Assembly to be forfeited by a losing contestant to the extent of the contestee's actual costs.

The bill also makes the failure to meet the procedural deadlines for notice and subsequent filings dispositive of the contest and equivalent to a finding against the party failing to meet the deadlines.

Patron - Brink

HB1491 Absentee voting procedures. Provides a uniform statewide deadline (the close of the polls) for the return of voted absentee ballots to the electoral board or general registrar.

Patron - Valentine

HB1571 Distribution of information on referendum elections. Allows towns as well as counties and cities to provide for the preparation and printing of an explanation for each referendum question to be submitted to the voters

Patron - Scott, E.T.

SB141 Campaign Finance Disclosure Act of 2006. Enacts a new campaign finance disclosure act; reorganizes and clarifies provisions in the act; amends various cross-references to the act; and repeals the existing act. The bill is the result of a review of the act undertaken by the State Board of Elections pursuant to HJR 667 (2005).

Patron - O'Brien

SB227 Campaign finance disclosure; statements of organization; petty cash funds; depository requirements. Increases from \$100 to \$200 the amount of a credit card charge that may be reimbursed from petty cash funds by a candidate campaign committee. Provides that other political committees will have the same authority as a candidate campaign committee (i) to use a petty cash fund and (ii) to invest funds in an interest-bearing account so long as all expenditures are made through the committee's designated depository account. This is a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to HJR 667 (2005). This bill is identical to HB 295.

Patron - O'Brien

SB228 Campaign finance disclosure; definitions; exemptions. Provides that the exemption for Internal Revenue Code § 501 (c) (3) organizations will also apply to § 501 (c) (4) and (6) organizations so long as the organization does not advocate the election or defeat of an identified candidate. This is a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to HJR 667 (2005). This bill is identical to HB 292.

Patron - O'Brien

SB230 Campaign finance disclosure; definitions; independent expenditures. Increases the amounts that trigger reporting requirements applicable to independent expenditures from \$500 to \$1,000 in statewide elections and from \$200 to \$500 in other elections. Clarifies that any person, candidate committee, or political committee may be subject to the independent expenditure reporting requirements. As introduced, this was a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to HJR 667 (2005).

Patron - O'Brien

SB265 Requirements for political campaign advertisements; increased civil penalties. Increases the civil penalty from an amount not to exceed \$100 to an amount not to exceed \$1,000 for violations of the basic requirements and from an amount not to exceed \$500 to an amount not to exceed \$1,000 for violations of special requirements for radio and tele-

vision advertisements. The bill also provides for a civil penalty not to exceed \$2,500 for a violation occurring during the 14 days before or on election day, and it raises from \$5,000 to \$10,000 the cap on penalties for multiple broadcasts of one advertisement. As passed, this bill is identical to HB 1177.

Patron - Bell

SB313 Elections; voter registration; citizenship status. Requires the Department of Motor Vehicles to furnish monthly lists to the State Board of Elections of license applicants who indicate a non-citizen status on their applications, and directs the State Board to forward the information to the general registrars. Non-citizen status constitutes grounds for cancelling a person's voter registration. This bill is identical to HB 170.

Patron - Cuccinelli

SB342 Page County School Board; referendum. Provides for a referendum in the County at the November 2006 election on the question of whether the school board should be elected biennially for staggered four-year terms. This bill is identical to HB 783.

Patron - Obenshain

SB429 State Board of Elections; Director of Elections. Increases the size of the State Board from three to five members. Provides for the position of Director of Elections to be hired by the State Board with the concurrence of at least four of its members, subject to confirmation by the General Assembly, as head of the elections agency, in place of the present position of the Secretary who is a member of the State Board appointed by the Governor. The Director may be removed only by a vote of at least four members of the State Board. This bill is a recommendation of a special subcommittee of the Senate Committee on Privileges and Elections appointed to study SB 989 (2005).

Patron - Devolites Davis

SB434 Elections; permitted use of paper ballots. Delineates the circumstances when it is permissible to use paper ballots: when the paper ballot is the ballot used in the precinct; for assisting voters at curbside; for provisional votes; when voting equipment is inoperable; for absentee voting; and for certain voters in presidential elections.

Patron - Devolites Davis

SB435 Elections; ascertaining the vote by officers of election; observers of the process. Provides that observers must be afforded an unobstructed view of the officers of election as they work to ascertain the results of the election.

Patron - Devolites Davis

SB436 Campaign finance; special disclosure requirements for certain committees; civil penalties. Requires federal and IRS 527 committees contributing more than \$10,000 to candidates in Virginia to register with the State Board of Elections. Information on contributors to federal committees will be made available by the Board through a link to filings at the Federal Election Commission. Information on contributors of \$2,500 or more to 527 committees will be filed with the State Board and available to the public. Candidates accepting more than \$10,000 from a committee must verify that the committee has registered with the State Board. Civil penalties are imposed for accepting or making contributions in violation of the act. This bill incorporates SB 628 and is identical to HB 291.

Patron - Devolites Davis

SB589 Elections; general registrars; performance reviews. Replaces the requirement that the local electoral

board send a copy of each annual performance review of the general registrar to the State Board of Elections with the requirement to send a summary of the review.

Patron - Martin

SB590 Elections; powers and duties of the State Board of Elections. Provides that the State Board's required annual training and any additional training of local electoral board members and general registrars shall be provided without charge to them.

Patron - Martin

SB716 House of Delegates districts. Makes a technical adjustment in a part of the boundary between the Seventy-seventh and Seventy-eighth Districts within the City of Chesapeake to eliminate the split of a current voting precinct. The same adjustment was made to the Senate line, but not the House line, in 2004.

Patron - Blevins

Failed

HB9 Redistricting process. Provides a new method for the preparation of state legislative and congressional redistricting plans; spells out standards for developing plans; precludes consideration of incumbency and political data in developing plans; assigns responsibility to the Division of Legislative Services to prepare plans for submission to the General Assembly; and establishes a temporary redistricting advisory commission to advise the Division, disseminate information on plans, and hold hearings for public reaction to plans. This bill is patterned after the Iowa redistricting process.

Patron - Shuler

HB11 Elections; absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters and disabled voters are consolidated in one new provision. This bill incorporates HB 334 and is identical to HB 562.

Patron - Parrish

HB80 Elections; absentee voting and absentee ballot applications. Provides that any person who will be age 65 or older on the election day may vote absentee. This bill is identical to HB 763.

Patron - Spruill

HB81 Early voting. Provides that any registered voter qualified to vote in the election may vote in person from 17 to three days before the election at specified times and at the sites provided in the locality. The provisions for absentee voting remain in effect except that the provisions for in-person absentee voting are superseded by the early voting process during the early voting period.

Patron - Spruill

HB228 Elections; materials and ballots in non-English translations. Authorizes any county, city, or town to provide translations of elections materials and ballots. Requires "covered" counties, cities, and towns, based on the presence of a language minority population and other factors, to provide translations of elections materials and ballots.

Patron - Jones, D.C.

HB232 Elections; polling place requirements. Requires to the maximum extent possible that polling places be accessible to voters dependent on public transportation.

Patron - Jones, D.C.

HB301 Absentee ballot applications. Provides for the submission of applications for absentee ballots to local registrars through the official website of the State Board of Elections. The online application will contain all the information on the standard application, except for the signature requirement, plus a field for the applicant's e-mail address. The State Board website will e-mail the application automatically to the appropriate local registrar and generate an e-mail confirmation of receipt of the application to the applicant. The bill provides that the registrar may compare the voter's signature on the ballot with his signature on his registration application. If the signatures do not appear the same, the ballot will be treated as a provisional ballot and held for further confirmation.

Patron - Jones, S.C.

HB334 Elections; absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters and disabled voters are consolidated in one new provision. This bill was incorporated into HB 11 and is identical to HB 562.

Patron - Toscano

HB376 Elections; qualifications of candidates; determination of residence. Makes explicit the authority of the State Board of Elections, local electoral board, or general registrar to request information pertinent to the definition of residence in the elections laws in making the determination whether a person meets the residency requirements to qualify as a candidate and have his name printed on the ballot.

Patron - Dance

HB503 Campaign finance; special disclosure requirements for certain large contributions; civil penalties. Requires the filing of special reports to disclose the source of funds for large contributions (\$100,000 for statewide candidates and \$25,000 for General Assembly candidates) made by certain political committees, persons, and entities and including special reports on the source of large contributions received by certain political committees, persons, and entities. This bill was incorporated into HB 291 and is identical to HB 1088 and SB 628.

Patron - Armstrong

HB549 Elections; notice of changes in election results in certain statewide elections. Requires the local electoral boards to notify the State Board of Elections within 24 hours of any changes made in the results of a statewide election after the results are announced on the election night when the margin of victory in that election is less than 1 percent of the total vote cast for the two top candidates. The State Board is required to post the changes on the Internet. This bill was incorporated into HB 1175.

Patron - Saxman

HB562 Elections; absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters and disabled voters are consolidated in one new provision. This bill is identical to HBs 11 and 334.

Patron - Amundson

HB587 Elections; absentee voting and absentee ballot applications. Provides that any person who will be age 65 or older on the election day, and any disabled person who is entitled to request assistance in voting, may vote absentee.

Patron - Watts

HB636 House of Delegates districts. Makes technical adjustments in the boundary line between the Second and Third House of Delegates districts within Russell County in order to reduce split precincts and more closely follow current voter precinct lines. The maximum deviations for the Second and Third districts cannot be determined because the County's precinct line splits census blocks, the smallest geographical unit for which population is reported by the U.S. Census Bureau.

Patron - Phillips

HB656 Virginia Advisory Redistricting Commission. Creates an advisory commission to draw plans to redistrict General Assembly and congressional districts in the year 2011 and every tenth year thereafter. The General Assembly has power to adopt or amend commission plans. The bill spells out the standards to be followed by the commission in drawing plans and provides for the expiration of the commission following implementation of the decennial redistricting plans.

Patron - Plum

HB685 Elections; absentee voting procedures and provisional ballots for certain voters. Permits a voter who applied for but has not received an absentee ballot to vote a provisional ballot at his polling place upon his signed statement that he has not received or voted an absentee ballot. Current law requires that the voter who did not receive an absentee ballot and who lives in a locality that has established a central absentee voter precinct must be sent to that precinct to vote. This bill is identical to HB 1327.

Patron - Brink

HB756 Elections; recount procedures. Requires hard copy optical scan ballots to be rerun through appropriately programmed tabulators in recount proceedings. Present law provides that the tabulator printout will be sufficient unless it is unclear or the court orders the ballots to be rerun. This bill is identical to SB 627.

Patron - McEachin

HB763 Elections; absentee voting and absentee ballot applications. Provides that any person who will be age 65 or older on the election day may vote absentee. This bill is identical to HB 80.

Patron - Sickles

HB867 House of Delegates districts. Makes an adjustment in the boundary line between the Nineteenth and Twenty-Second districts within Bedford County. The population of each district remains within two percent of the ideal district population.

Patron - Byron

HB1088 Campaign finance; special disclosure requirements for certain large contributions; civil penalties. Requires the filing of special reports to disclose the source of funds for large contributions (\$100,000 for statewide candidates and \$25,000 for General Assembly candidates) made by certain political committees, persons, and entities and including special reports on the source of large contributions received by certain political committees, persons, and entities. This bill

was incorporated into HB 291 and is identical to HB 503 and SB 628.

Patron - Scott, J.M.

HB1090 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 district's elector. Maine and Nebraska allocate electoral college votes in this manner.

Patron - Scott, J.M.

HB1092 Officers of election; hours of service. Provides that the chief and assistant chief officers of election may jointly agree to excuse one of the other officers from the polling place for a brief period in the case of a personal emergency.

Patron - Scott, J.M.

HB1166 Elections; voter registration lists and applications; victims of domestic violence. Provides that victims of domestic violence may provide a post office box address, in lieu of a residence address, to be shown on any public list of registered voters.

Patron - Eisenberg

HB1253 Elections; voter registration; 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, 2007, 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 during 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 - Hugo

HB1415 Elections; general registrars. Provides that all general registrars shall serve on a five-day per week, full-time basis.

Patron - Morgan

HB1598 Elections; 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 - Hugo

SB65 Elections; absentee voting and absentee ballot applications. Provides that any person who will be age 75 or older on the election day may vote absentee.

Patron - Whipple

SB150 Elections; electronic voting equipment and paper record requirements; postelection audits of electronic equipment and paper records. Requires that direct recording electronic devices be equipped to produce a contemporaneous paper record of each vote that can be verified by the voter and used in recounts. Provides for audits of a percentage of the equipment. This bill was incorporated into SB 424.

Patron - Deeds

SB337 Page County School Board; referendum. Provides for a referendum in the County at the November 2006

election on the question of whether the chairman of the school board should be elected by the County at large.

Patron - Obenshain

SB455 Elections; local electoral boards; certain prohibitions. Prohibits a member of a local electoral board from being the spouse or other relative of a candidate for or holder of an office filled in whole or in part by voters in the jurisdiction of the electoral board.

Patron - Devolites Davis

SB472 Absentee ballot applications. Provides for the submission of applications for absentee ballots to local registrars through the official website of the State Board of Elections. The online application will contain all the information on the standard application, except for the signature requirement, plus a field for the applicant's e-mail address. The State Board website will e-mail the application automatically to the appropriate local registrar and generate an e-mail confirmation of receipt of the application to the applicant. The bill provides that the registrar may compare the voter's signature on the ballot with his signature on his registration application. If the signatures do not appear the same, the ballot will be treated as a provisional ballot and held for further confirmation.

Patron - Norment

SB588 Preservation of order at elections. Provides that the local electoral board or general registrar, rather than the officers of election, may designate, with the consent of the chief local law-enforcement officer, a law-enforcement officer to maintain order at a polling place; and deletes a provision for the appointment of special officers at the polling place.

Patron - Martin

SB607 Elections; recount procedures. Requires hard copy optical scan ballots to be rerun through appropriately programmed tabulators in recount proceedings. Present law provides that the tabulator printout will be sufficient unless it is unclear or the court orders the ballots to be rerun. This bill incorporates SB 627.

Patron - Lucas

SB627 Elections; recount procedures. Requires hard copy optical scan ballots to be rerun through appropriately programmed tabulators in recount proceedings. Present law provides that the tabulator printout will be sufficient unless it is unclear or the court orders the ballots to be rerun. This bill was incorporated into SB 607 and is identical to HB 756.

Patron - Deeds

SB628 Campaign finance; special disclosure requirements for certain large contributions; civil penalties. Requires the filing of special reports to disclose the source of funds for large contributions (\$100,000 for statewide candidates and \$25,000 for General Assembly candidates) made by certain political committees, persons, and entities including special reports on the source of large contributions received by certain political committees, persons, and entities. This bill was incorporated into SB 436 and is identical to HBs 503 and 1088.

Patron - Deeds

SB641 General Assembly members; prohibition of certain gifts and entertainment during legislative sessions; civil penalties. Prohibits gifts from lobbyists and other persons to General Assembly members during regular legislative sessions.

Patron - Reynolds

SB646 Primary elections; dates and procedures; date of June primary. Changes the date for the June primary from the second Tuesday in June to the third Tuesday in June.

Patron - O'Brien

SB728 Primary elections; dates and procedures; date of June primary. Changes the date for the June primary from the second Tuesday in June to the second Tuesday in September.

Patron - Potts

Carried Over

HB46 Voter registration at offices of the Department of Motor Vehicles and registration records. Provides that the Department shall maintain a copy of any completed voter registration application received by it until 30 days after the next general election and that the copy may be transmitted by facsimile or electronic means to a general registrar, local electoral board, or the State Board of Elections for the purpose of determining the validity of a provisional ballot. This bill is identical to HB 356 and SB 80.

Patron - Dance

HB293 Campaign finance disclosure; definitions; reporting requirements. Codifies the "express advocacy" standard. The Virginia Supreme Court held in *Virginia Society for Human Life, Inc. v. Caldwell*, 256 Va. 151, 500 S.E.2d 814 (1998), that the Virginia Campaign Finance Disclosure Act applies only to "express advocacy" and that the phrase "for the purpose of influencing the outcome of an election" will be interpreted to mean "express advocacy." This is a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to HJR 667 (2005). This bill is identical to SB 229.

Patron - Jones, S.C.

HB296 Campaign finance; valuation of certain campaign contributions. Provides a general rule that the value of in-kind contributions benefiting multiple candidates will be divided equally among the benefiting candidates. However, the maker of the contribution may apportion the value of the contribution among the candidates on an objective basis that is stated in his campaign reports and documented in his records. This is a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to HJR 667 (2005).

Patron - Jones, S.C.

HB356 Voter registration at offices of the Department of Motor Vehicles and registration records. Provides that the Department shall maintain a copy of any completed voter registration application received by it until 30 days after the next general election and that the copy may be transmitted by facsimile or electronic means to a general registrar, local electoral board, or the State Board of Elections for the purpose of determining the validity of a provisional ballot. This bill is identical to HB 46 and SB 80.

Patron - Ingram

HB375 Campaign advertisements; basic disclosure requirements. Requires (i) that the disclosure statement on a print media advertisement with multiple pages, folds, or faces shall appear on the first page, fold, or face and (ii) that, in any print media advertisement in which the word "official" appears, the disclosure statement shall be printed in an equiva-

lent or more conspicuous type size, font, and style than the word "official."

Patron - Brink

HB658 Constitutional officers; certain incompatible activities. Provides that a full-time, compensated constitutional officer who becomes a candidate for a different full-time, compensated elected office will forfeit his constitutional office.

Patron - Wardrup

HB735 Campaign finance; requirement to close certain candidate campaign accounts. Requires a candidate who holds an elected office either (i) to file a final report for his campaign for that office when he becomes a candidate for a second elected office or (ii) if he has outstanding debts in his campaign for that office, to cease all activity in that campaign except to receive contributions to retire those outstanding debts.

Patron - Jones, S.C.

HB1089 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 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 January 1, 2007.

Patron - Scott, J.M.

HB1243 Election procedures; pollbooks, voting equipment requirements and audits, and recount procedures; pilot program. Requires the State Board of Elections to design a pilot program to test electronic voting equipment and paper record requirements and incorporate audits of voting equipment. This provision takes effect in due course on July 1, 2006. The remainder of the bill takes effect January 1, 2009, and requires (i) that electronic pollbooks provide a contemporaneous and continuous paper printout of the voters' names and identifying information as their names are recorded and that the local electoral board conduct a postelection audit of the electronic pollbooks; (ii) that direct recording electronic devices be equipped to produce a paper record of each vote that can be verified by the voter and used in recounts and that audits be conducted on a percentage of the equipment; (iii) that the source codes for software used in voting equipment be placed in escrow with the State Board of Elections prior to certification of the equipment for use in Virginia and that the source codes be examined by technical experts; and (iv) that there be a prohibition on any form of wireless electronic communication capability on any direct recorded electronic voting machine, optical ballot tabulator, or other voting or counting device.

Patron - Hugo

HB1432 Elections; definitions; residence; duties of registrars. Provides that an applicant to register may have more than one place of abode but only one domicile, which he

presently intends as his primary home. Registrars are directed to make reasonable inquiries to assist the applicant to make an accurate determination of his residence status. This bill is identical to HB 1604.

Patron - Barlow

HB1604 Elections; definitions; residence; duties of registrars. Provides that an applicant to register may have more than one place of abode but only one domicile, which he presently intends as his primary home. Registrars are directed to make reasonable inquiries to assist the applicant to make an accurate determination of his residence status. This bill is identical to HB 1432.

Patron - Rapp

SB80 Voter registration at offices of the Department of Motor Vehicles and registration records. Provides that the Department shall maintain a copy of any completed voter registration application received by it until 30 days after the next general election and that the copy may be transmitted by facsimile or electronic means to a general registrar, local electoral board, or the State Board of Elections for the purpose of determining the validity of a provisional ballot. This bill is identical to HBs 46 and 356.

Patron - Watkins

SB122 Elections; local electoral boards, general registrars, and their employees. Provides civil service status for the staffs of electoral boards and general registrars and revises various provisions to recognize the status of employees of the boards and general registrars.

Patron - O'Brien

SB229 Campaign finance disclosure; definitions; reporting requirements. Codifies the "express advocacy" standard. The Virginia Supreme Court held in *Virginia Society for Human Life, Inc. v. Caldwell*, 256 Va. 151, 500 S.E.2d 814 (1998), that the Virginia Campaign Finance Disclosure Act applies only to "express advocacy" and that the phrase "for the purpose of influencing the outcome of an election" will be interpreted to mean "express advocacy." This is a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to HJR 667 (2005).

Patron - O'Brien

SB231 Campaign finance; valuation of certain campaign contributions. Provides a general rule that the value of in-kind contributions benefiting multiple candidates will be divided equally among the benefiting candidates. However, the maker of the contribution may apportion the value of the contribution among the candidates on an objective basis that is stated in his campaign reports and documented in his records. The bill exempts literature distributed by local political party committees on behalf of their candidates from the apportionment requirement. As introduced, this was a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to HJR 667 (2005).

Patron - O'Brien

SB272 Elections; a pilot program to test electronic voting equipment and paper record requirements; audits of voting equipment. Requires the State Board of Elections to design a pilot program to test electronic voting equipment and voter-verified records of votes and to provide for audits of voting equipment. As passed, the bill requires the Board to consult technical experts in the design of the program and makes implementation contingent on funds being appropriated for the program. This is a recommendation of the Joint Subcommittee

Studying Voting Equipment established pursuant to HJR 174 (2004) and SJR 371 (2005).

Patron - Whipple

CSB424 Election procedures; pollbooks, voting equipment requirements and audits, and recount procedures. Requires (i) that electronic pollbooks provide a contemporaneous and continuous paper printout of the voters' names and identifying information as their names are recorded and that the local electoral board conduct a postelection audit of the electronic pollbooks; (ii) that direct recording electronic devices be equipped to produce a paper record of each vote that can be verified by the voter and used in recounts and that audits be conducted on a percentage of the equipment; and (iii) that the source codes for software used in voting equipment be placed in escrow with the State Board of Elections prior to certification of the equipment for use in Virginia and that the source codes be examined by technical experts. The bill also prohibits any form of wireless electronic communication capability on any direct recorded electronic voting machine, optical ballot tabulator, or other voting or counting device and requires that a percentage of paper ballots be audited during recounts.

Patron - Devolites Davis

CSB658 Elections; voter registration lists and applications; victims of domestic violence. Provides that victims of domestic violence may provide a post office box address, in lieu of a residence address, to be shown on any public list of registered voters. This bill takes effect January 1, 2007.

Patron - Ticer

Eminent Domain

Passed

P HB132 Eminent domain; determining just compensation. Removes the option of the landowner to choose commissioners to hear an eminent domain case. Only jurors or the court shall be permitted to hear such a matter. All of the jurors in an eminent domain proceeding are required to be freeholders in the jurisdiction of the land in question. Additionally, from of an original panel of 13 jurors, each party will be granted four preemptory strikes.

Patron - Cosgrove

P HB241 Offer of repurchase to former owner; non-waivable right. Eliminates the language relating to the waiver of the right to the offer of repurchase in cases of eminent domain and clearly states that such right cannot be waived.

Patron - Suit

P HB631 Mandatory dispute resolution orientation session. Requires that the parties in a condemnation proceeding attend a dispute resolution orientation session.

Patron - Phillips

P HB975 Land use and eminent domain adjacent to certain jet bases; advisory council. Provides that the governing body of any locality in which a United States Navy Master Jet Base or an auxiliary landing field used in connection with flight operations arising from such Master Jet Base is located shall (i) adopt zoning ordinances that require the governing body to consider certain Navy guidelines in deciding discretionary applications for property in noise levels 70 dB DNL or greater, (ii) undertake an evaluation of undeveloped properties located in noise zones 70 dB DNL or greater to determine the suitability of such properties for rezoning classifications that

would prohibit incompatible uses, (iii) adopt such ordinances or take such other actions as may be recommended in any Joint Land Use Study that has been officially approved by the Navy and the governing body of the locality, and (iv) establish programs to purchase land or development rights from willing sellers in the corridor of land underneath the flight path between the Master Jet Base and the auxiliary landing field known as an interfacility traffic area. Also, such localities are granted authority to exercise the limited right of eminent domain at the request of property owners in acquisition of any lands, easements, and privileges for the purpose of protecting public safety by providing unobstructed airspace for the landing and takeoff of aircraft utilizing such Master Jet Base and preventing incompatible development within Accidental Potential Zone 1 areas surrounding such Master Jet Base. This bill also creates the Oceana/Fentress Military Advisory Council as a subunit of the Virginia Military Advisory Council. The provisions of this act and all authority therein shall terminate in the event that the aircraft and activities necessary to support the operations of a Master Jet Base are designated for realignment outside the locality. This bill is identical to SB 565.

Patron - Suit

P HB1099 Eminent domain. Raises from \$50,000 to \$75,000 the cap on relocation expenses that may be paid to certain persons displaced from their business or farm operation.

Patron - Griffith

P SB565 Land use and eminent domain adjacent to certain jet bases; advisory council. Provides that the governing body of any locality in which a United States Navy Master Jet Base or an auxiliary landing field used in connection with flight operations arising from such Master Jet Base is located shall (i) adopt zoning ordinances that require the governing body to consider certain Navy guidelines in deciding discretionary applications for property in noise levels 70 dB DNL or greater, (ii) undertake an evaluation of undeveloped properties located in noise zones 70 dB DNL or greater to determine the suitability of such properties for rezoning classifications that would prohibit incompatible uses, (iii) adopt such ordinances or take such other actions as may be recommended in any Joint Land Use Study that has been officially approved by the Navy and the governing body of the locality, and (iv) assemble available funding from federal, state, and local sources to purchase land or development rights from willing sellers in the corridor of land underneath the flight path between the Master Jet Base and the auxiliary landing field known as an interfacility traffic area. Also, such localities are granted authority to exercise the limited right of eminent domain at the request of property owners in acquisition of any lands, easements, and privileges for the purpose of protecting public safety by providing unobstructed airspace for the landing and takeoff of aircraft utilizing such Master Jet Base and preventing incompatible development within Accidental Potential Zone 1 areas surrounding such Master Jet Base. This bill also creates the Oceana/Fentress Military Advisory Council as a subunit of the Virginia Military Advisory Council. The provisions of this act and all authority therein shall terminate if the aircraft and activities necessary to support the operations of the Master Jet Base are designated for realignment. This bill is identical to HB 975.

Patron - Stolle

Failed

F HB94 Eminent domain; definition of public uses. Provides a definition of public uses as embracing only the ownership, possession, occupation, and enjoyment of land by the public or public agencies, and public corporations and public service companies. The bill states that public benefits or

potential public benefits including economic development or private development, an increase in the tax base, tax revenues, employment, or general economic health and welfare shall not be considered when determining whether a use constitutes a public use.

Patron - Suit

[F]HB397 Reimbursement for damages. Requires the court to award the property owner legal fees and costs in a condemnation proceeding if the petitioner maliciously damaged the property or the court awards the property owner at least 20 percent more than the petitioner's offer.

Patron - Wittman

[F]HB746 Condemnation; economic development. Provides that no state funds shall be used for any condemnation undertaken for purposes of economic development, including blight removal, unless approved by the General Assembly and the Governor. This bill was incorporated into HB 94.

Patron - Purkey

[F]HB902 Eminent domain; definitions. Provides that the definition of "public uses" shall not include the taking of private property for the primary purpose of tax-revenue enhancement.

Patron - Iaquinto

[F]HB925 Reimbursement for damages for entry by Virginia Department of Transportation. Provides that a property owner shall have the right to recover costs against VDOT should he prevail at the condemnation proceeding.

Patron - Landes

[F]SB394 Eminent Domain; public use. Provides a definition of public uses and specifies instances in which the condemnation of real property may be used by a public entity to convey such property to a nongovernmental person or entity. This bill incorporates SB 131, SB 336, and SB 631.

Patron - Stolle

Carried Over

[C]HB923 Compensation for condemned property. Includes business losses and highway access in the definition of compensation that a property owner is entitled to should his property be condemned.

Patron - Landes

Fiduciaries Generally

Failed

[F]HB441 Fiduciaries; presumption of prudence. Clarifies when fiduciaries will receive the presumption of prudence in investing and extends the presumption to custodians and custodial trustees.

Patron - Kilgore

Fire Protection

Passed

[P]HB1390 Firefighters; local ordinances. Provides that local ordinances shall not require a minor who achieved firefighter certification as administered by the Department of Fire Programs prior to January 1, 2006, and between the ages of 15 and 16 to repeat the certification after his sixteenth birthday.

Patron - Hogan

Fisheries and Habitat of the Tidal Waters

Passed

[P]HB651 Federal sport fish matching funds. Gives the Virginia Marine Resources Commission the authority to accept federal grant money from the federal Wallop-Breaux Fund. The U.S. Department of the Interior has indicated that Virginia's statutes do not give the agency such authority. The wording, as proposed, would satisfy federal officials.

Patron - Lewis

[P]HB652 Oyster taxes. Requires oyster taxes be paid to the Virginia Marine Resources Commission. Currently, the Commission's Marine Patrol Officers collect the tax. The bill also directs that the oyster inspection tax be deposited in the Public Oyster Rocks Replenishment Fund.

Patron - Lewis

[P]HB898 Conveyance of Property, Sam's Restaurant. Authorizes the Governor to convey at fair market value, upon consultation with the Virginia Marine Resources Commission, to Ocean Properties, LLC, an irregular-shaped lot, piece, or parcel of land situate, lying and being in the downtown section of Hampton, Virginia, known as Sam's Restaurant. Such sale and conveyance shall be in a form approved by the Attorney General.

Patron - Gear

[P]HB940 Conveyance of property. Authorizes the Virginia Marine Resources Commission, on behalf of the Commonwealth, to convey to a private party approximately 1.2 acres, more or less, in the Rappahannock River, subject to any rights of the adjoining property owner as determined by a court of competent jurisdiction.

Patron - Morgan

[P]HB1533 Conveyance of subaqueous lands. Authorizes the Governor to convey approximately 3.40 acres of subaqueous lands in the Elizabeth River in Norfolk to Moon of Norfolk, L.L.C., 4.11 acres of subaqueous lands in the Elizabeth River in Norfolk to Harbor Point Investors, L.L.C., and 3.6 acres of subaqueous lands in the Elizabeth River in Norfolk to Front Street Investors, L.L.C.

Patron - Melvin

[P]SB634 Subaqueous permits. Exempts (i) finger piers of up to five feet in width, (ii) L or T head platforms and appurtenant floating dock platforms of up to 400 square feet, and (iii) open-sided shelter roofs and gazebo-type platforms if

allowed by local ordinances, that extend over state-owned, subaqueous lands from having to obtain a permit from the Virginia Marine Resources Commission.

Patron - Williams

Failed

FHB252 Regulation of the fishing of menhaden. Directs the Virginia Marine Resources Commission to adopt regulations to implement the Atlantic States Marine Fisheries Commission Fishery Management Plan for Atlantic Menhaden. The bill stipulates that no regulation can impose limits on the fishing of menhaden that are more restrictive than the Atlantic States Marine Fisheries Commission Fishery Management Plan for Atlantic Menhaden. The bill also requires that any moratorium on the fishery be subject to legislative review and repeals the Governor's authority to implement menhaden management measures by proclamation.

Patron - Cosgrove

FHB435 Moratorium on horseshoe crabs. Places a moratorium on the landings and importation of horseshoe crabs until certain conditions are met. The Virginia Marine Resources Commission is required to promulgate regulations imposing the moratorium.

Patron - Griffith

FHB749 Harvest quota on menhaden. Limits to 105,783 metric tons the amount of menhaden that can be harvested annually in the Chesapeake Bay and its tributaries from 2006 through 2010. This limit is in accordance with the cap placed on the fishery by the Atlantic States Marine Fisheries Commission in its Atlantic Menhaden Fishery Management Plan.

Patron - Cosgrove

FHB1045 Menhaden fishing limits. Places an annual limit of 131,000 metric tons on the taking of menhaden by purse nets in the Chesapeake Bay. The Secretary of Natural Resources is to develop a system for monitoring the landings and issue a closure notice if 100 percent of the annual limit is met. The bill also prohibits vessels greater than 70 gross tons from setting nets after 5:00 p.m. on Friday or prior to 6:00 p.m. on Sunday, and between 8:00 a.m. and 6:00 p.m. on a holiday.

Patron - Wittman

FSB2 Crab pot buoys. Requires the Virginia Marine Resources Commission to promulgate regulations that all crab pot buoys and floats be marked with reflective material so all buoys and floats are visible at night when illuminated.

Patron - Williams

FSB84 Harvest quota on menhaden. Limits to 105,783 metric tons the amount of menhaden that can be harvested annually in the Chesapeake Bay and its tributaries from 2006 through 2010. This limit is in accordance with the cap placed on the fishery by the Atlantic States Marine Fisheries Commission in its Atlantic Menhaden Fishery Management Plan.

Patron - Watkins

Game, Inland Fisheries and Boating

Passed

PHB5 Special fishing license for handicapped. Authorizes the Department of Game and Inland Fisheries to issue permits to organized groups of physically or mentally handicapped persons to fish on the second Saturday in May in designated waters stocked with trout, without members of the group having to obtain individual licenses. This is emergency legislation. This bill is identical to SB 12.

Patron - Carrico

PHB172 Control of wildlife diseases. Authorizes the Department of Game and Inland Fisheries to promulgate regulations to (i) eradicate or prevent wildlife diseases and (ii) establish procedures for the condemnation and indemnification of captive wildlife.

Patron - Lingamfelter

PHB362 Composition of Board of Game and Inland Fisheries. Requires the Board of Game and Inland Fisheries to develop a Governance Manual that sets forth rules and procedures for the conduct of the Board's business. The bill also (i) delineates the duties of the chairman of the Board, (ii) requires the Board to ensure that the Auditor of Public Accounts, or any agent of the Auditor, conducts an annual audit of the accounts and transactions of the Board, and (iii) requires the Board to elect a new chairman and vice-chairman each year. The Director of the Department of Game and Inland Fisheries will be subject to confirmation and reconfirmation by the General Assembly every four years. This bill is identical to SB 564.

Patron - Lingamfelter

PHB574 Youth trapping license. Establishes the state junior resident trapping license, which can be obtained by any resident under the age of 16 for a fee of \$10. The license entitles the youth to trap throughout the state.

Patron - Nixon

PHB575 Trapping; penalty. Authorizes the Director of the Department of Game and Inland Fisheries to allow governmental employees and persons holding a commercial Nuisance Annual Permit to visit conibear-style traps once every 72 hours. However, private trappers would continue to be required to visit their conibear traps every day. The bill also clarifies that a trapper can shoot an animal caught in his trap without having to obtain a hunting license and allows the shooting to occur every day of the week, including Sundays during the prescribed seasons.

Patron - Nixon

PHB870 Boating safety course. Requires courts to order any person who has been convicted of violating a boating law that imposes a penalty of a Class 3 misdemeanor or greater to pass a National Association of State Boating Law Administrators approved boating safety course, accepted by the Department of Game and Inland Fisheries.

Patron - Byron

PHB981 Federal funds for wildlife and fish restoration. Authorizes the Department of Game and Inland Fisheries to accept federal grant money related to the Pittman-Robinson Act (wildlife restoration) and the Wallop-Breaux Act (sport

fish restoration). The Office of the Inspector General of the U.S. Department of the Interior has indicated to the Department that its audit of these federal funds found that Virginia does not have the statutory authority within the Code of Virginia to accept these funds.

Patron - Lewis

SB12 Special fishing license for handicapped.

Authorizes the Department of Game and Inland Fisheries to issue permits to organized groups of physically or mentally handicapped persons to fish on the second Saturday in May in designated waters stocked with trout, without members of the group having to obtain individual licenses. This is emergency legislation. This bill is identical to HB 5.

Patron - Reynolds

SB83 Visiting traps; penalty. Authorizes the Director of the Department of Game and Inland Fisheries to allow government employees and persons holding a Commercial Nuisance Annual Permit to visit conibear-style traps once every 72 hours. However, private trappers would continue to be required to visit their conibear traps every day.

Patron - Watkins

SB564 Composition of Board of Game and Inland Fisheries. Requires the Board of Game and Inland Fisheries to develop a Governance Manual that sets forth rules and procedures for the conduct of the Board's business. The bill also (i) delineates the duties of the chairman of the Board, (ii) requires the Board to ensure that the Auditor of Public Accounts, or any agent of the Auditor, conducts an annual audit of the accounts and transactions of the Board, and (iii) requires the Board to elect a new chairman and vice-chairman each year. The Director of the Department of Game and Inland Fisheries will be subject to confirmation and reconfirmation by the General Assembly every four years. This bill is identical to HB 362.

Patron - Stolle

Failed

HB6 Free hunting and fishing licenses. Allows every resident of the Commonwealth who has served in an armed conflict or peacekeeping mission after September 11, 2001, to obtain the state resident hunting license, the state resident fishing license, and the big game license, at no charge for one year.

Patron - Wright

HB150 Releasing dogs upon or near posted land; penalty. Prohibits releasing dogs at the border of or upon the posted land of another without permission with the intent to cause them to run across the prohibited land for the purpose of flushing game and driving it to a place where it may be taken by persons who do not have permission to hunt on the land across which the dogs have been released.

Patron - Cole

HB632 Hunting on Sundays. Allows hunting on Sundays west of the Blue Ridge Mountains.

Patron - Phillips

HB711 Hunting on Sunday, local option. Allows localities to authorize hunting on Sunday. Currently, the law prohibits hunting on Sunday, except for raccoons, which can be hunted until 2:00 am on Sunday.

Patron - Ware, O.

HB938 Board of Game and Inland Fisheries. Changes the Board of Game and Inland Fisheries from a super-

visory board to a policy board. The bill gives the Governor and not the Board the authority to appoint the Director of the Department of Game and Inland Fisheries. However, the person who is serving as the Director on July 1, 2006, will continue in that position until he resigns or is terminated; whereupon, the Governor will appoint the new Director. This bill was incorporated into HB 362.

Patron - Morgan

HB939 Game wardens. Gives the Director of the Department of Game and Inland Fisheries the power to appoint all game wardens. Currently, the Director is required to hire from within the ranks of wardens if he is seeking to hire for a law-enforcement position above the rank of game warden. An exception to this hiring requirement is that the Director can hire from outside the agency's game warden force, if the position requires such knowledge, skill, or abilities that do not exist within the pool of applicants.

Patron - Morgan

HB979 Governance by executive branch supervisory boards. Requires the Attorney General to meet with all appointed members of executive branch supervisory boards, commissions or councils, and explain to them their duties, responsibilities and potential liabilities. The bill also requires the Board of Game and Inland Fisheries to develop a Governance Manual that sets forth the rules and procedures for the conduct of the Board's business. In addition, the bill (i) delineates the duties of the chairman of the Board and (ii) requires an annual audit of the agency's operations. This bill was incorporated into HB 362.

Patron - Abbitt

HB1061 Sale of bear parts. Allows the sale of bear parts from bears legally hunted in the Commonwealth by hunters or permitted resellers.

Patron - Watts

HB1075 Boating safety course. Requires courts to order any person who has been convicted of violating a boating law that imposes a penalty of a Class 3 misdemeanor or greater to pass a National Association of State Boating Law Administrators approved boating safety course, accepted by the Department of Game and Inland Fisheries. This bill was incorporated into HB 870.

Patron - Dudley

HB1076 Towing persons on the water. Requires vessels towing a person on an inflatable tube to carry an observer on the vessel and the person being towed is required to wear a life preserver.

Patron - Dudley

HB1130 Appointments to the Board of Game and Inland Fisheries. Changes the manner in which appointments are made to the 11-member Board of Game and Inland Fisheries. Currently, all members are appointed by the Governor. This bill will have the Governor appoint six members, the Speaker of the House of Delegates will appoint three members and the Senate Committee on Rules will appoint two members. The appointment will be made with the appointing authorities alternating in their selection of new members. The Governor will make the first appointment to fill a vacancy on the Board, followed by the Speaker and the Senate Committee on Rules. This bill was incorporated into HB 362.

Patron - Cline

HB1131 Annual audit of the Board of Game and Inland Fisheries. Requires the Auditor of Public Accounts to

conduct an annual audit of the accounts of the Board of Game and Inland Fisheries. This bill was incorporated into HB 362.

Patron - Cline

SB718 Hunters for the Hungry donations. Increases the cost of the resident big game license by \$1 and the nonresident big game license by \$2. The amount of the increases will be allocated to the Hunters for the Hungry.

Patron - Stolle

Carried Over

HB872 Mandatory boating safety education; penalty. Makes it a Class 4 misdemeanor for anyone to operate a motorboat without having successfully completed an approved boating safety education course. The education requirement is phased-in so that by July 1, 2015, all motorboat operators will have been required to complete and pass the course or an equivalency exam. The Board is directed to develop and administer the mandatory boating safety education program through the promulgation of regulations, taking into account comments from the public. There are a number of ways a person can comply with the law other than successfully completing an approved course, such as passing an equivalency examination, possessing a valid license issued to maritime personnel, etc.

Patron - Byron

HB1078 Speed limits on certain lakes. Establishes a maximum speed limit of 35 miles per hour on Smith Mountain Lake between sunset and sunrise. Anyone who exceeds this limit is subject to a fine of up to \$250.

Patron - Dudley

SB387 Deer hunting on Sunday. Allows hunting on the first Sunday of early archery deer season, early muzzle-loader deer season, and general firearms deer season.

Patron - Stolle

SB528 Boating safety. Makes it a Class 4 misdemeanor for anyone to operate a motorboat on the waters of Smith Mountain Lake without having successfully completed an approved boating safety education course. The education requirement is phased in so that by July 1, 2015, all motorboat operators will have been required to complete and pass the course or an equivalency exam. The Board of Game and Inland Fisheries is directed to develop and administer the mandatory boating safety education program through the promulgation of regulations, taking into account comments from the public. There are a number of ways a person can comply with the law other than successfully completing an approved course, such as passing an equivalency examination, possessing a valid license issued to maritime personnel, etc. The bill also repeals the current law that requires at least one game warden to patrol Smith Mountain Lake during the boating season. Persons participating in regattas, races, marine parades, tournaments or exhibitions approved by the Board of Game and Inland Fisheries or the U.S. Coast Guard are exempt from having to complete a boating safety course.

Patron - Newman

General Assembly

Passed

HB65 Commission on Unemployment Compensation. Repeals the expiration date of the Commission on Unemployment Compensation. This bill is identical to SB 79.

Patron - Purkey

HB542 General Assembly and State and Local Government Conflict of Interest Act. Makes several amendments so the General Assembly and State and Local Government Conflict of Interest Acts include (i) clarifying that individual stocks and amounts should be listed, (ii) requiring net rather than gross amounts regarding disclosure of business interests, (iii) requiring disclosure of previously deferred compensation when the filer has begun to receive such compensation, (iv) requiring disclosure of payments made by a filer to a lobbyist for representation, (v) adding definitions for "deferred compensation," "deferred compensation plan," and "contingent liability," and (vi) revising the definition of "close financial association." The bill also provides an extension for filing deadlines under the Acts that may fall on a weekend or a legal holiday. The bill is the recommendation of the HJR 186 (2004) Joint Subcommittee Studying Conflicts of Interests and Lobbyist Disclosure Filings.

Patron - Griffith

HB614 Special Advisory Commission on Mandated Health Insurance Benefits; staffing. Directs the Joint Legislative Audit and Review Commission (JLARC) to provide staff assistance to the Special Advisory Commission on Mandated Health Insurance Benefits. JLARC would join the State Corporation Commission's Bureau of Insurance and the Health Department in staffing the Special Advisory Commission. JLARC is charged with assessing, analyzing, and evaluating the social and economic costs and benefits of any proposed mandated health insurance benefit or mandated provider, and reporting its findings to the Special Advisory Commission.

Patron - O'Bannon

HB788 Joint Commission on Health Care. Extends the sunset provision for the Joint Commission on Health Care for three years, to July 1, 2010.

Patron - Morgan

HB885 National Conference of Commissioners on Uniform State Laws (NCCUSL). Provides that the Director of the Division of Legislative Services is a Commissioner rather than an Associate Commissioner as currently provided under NCCUSL's Constitution.

Patron - Griffith

HB886 Duties of the Division of Legislative Services and the Division of Legislative Automated Systems. Moves from DLS to DLAS the responsibility for the preparation and publication of the annual liaison booklet designating information officers of state departments, agencies, boards, and commissions.

Patron - Griffith

HB1074 General Assembly; additional compensation. Clarifies that members of the General Assembly are not entitled to receive additional compensation for attending meetings of boards, commissions, and other bodies when the General Assembly is in active session. In addition, when a house has a pro forma session, members who attend meetings held in

the buildings on Capitol Square will not be entitled to additional compensation. They will be expected to attend the session to receive the session per diem.

Patron - Dudley

HB1178 General Assembly; Senate and House Committees on Standards of Conduct. Provides that membership of the Committee on Standards of Conduct of the House and Senate Rules Committees will be determined by the rules of each house. This bill incorporates HB 1142.

Patron - Rapp

HB1233 Manufacturing Development Commission. Establishes the Manufacturing Development Commission as a legislative commission to assess the manufacturing needs in the Commonwealth and formulate legislative and regulatory remedies to ensure the future of the manufacturing sector in Virginia. The bill also provides that the Secretary of Commerce and Trade serve ex officio. The provisions of this act expire on July 1, 2009. In addition, if the Commission is not funded during its first year of study, the Joint Rules Committee must approve its expenses. However, if the Commission is not funded for any year thereafter, the provisions of this act shall expire July 1 of the fiscal year that the Commission fails to receive funding. This bill is identical to SB 261.

Patron - Purkey

HB1440 Virginia Sesquicentennial American Civil War Commission. Establishes the Virginia Sesquicentennial American Civil War Commission to prepare for and commemorate the 150th anniversary of Virginia's participation in the American Civil War.

Patron - Howell, W.J.

SB19 Administrative Law Advisory Committee. This bill provides that the chairman of the Administrative Law Advisory Committee may be a member of and must be appointed by the Virginia Code Commission. Other amendments to the bill allow, rather than require, the representation from certain entities and limits the total membership of the Advisory Committee to 12 members.

Patron - Mims

SB79 Commission on Unemployment Compensation. Repeals the expiration date of the Commission on Unemployment Compensation. This bill is identical to HB 65.

Patron - Watkins

SB261 Manufacturing Development Commission. Establishes the Manufacturing Development Commission as a legislative study commission. The Commission will be responsible for assessing manufacturing needs and formulating legislative and regulatory remedies to ensure the future of the manufacturing sector in Virginia. The Commission will expire July 1, 2009. This bill is identical to HB 1233.

Patron - Wagner

SB438 Joint Commission on Health Care. Extends the sunset provision for the Joint Commission on Health Care to July 1, 2010, allowing the Commission to continue for another three years.

Patron - Lambert

SB443 Brown v. Board of Education Scholarship Program and Fund; penalty. Strengthens and modifies the Brown v. Board of Education Scholarship Program and Fund to accomplish the purposes of the Program more effectively and efficiently. This bill enhances and increases educational opportunities for eligible persons by adding certain career and technical education postsecondary schools in the Commonwealth

and the College-Level Examination Program (CLEP) to the list of approved education programs in which recipients may enroll. This bill also (i) provides that awards may be used to cover the costs of textbooks for approved education programs; (ii) clarifies the duration of awards for career and technical education and training programs, and CLEP; (iii) authorizes the Brown v. Board of Education Scholarship Awards Committee to determine approved education programs to preserve the purpose for which the Program was created; (iv) exempts scholastic records, personally identifiable information, scholarship applications, confidential letters and statements, and certain other related information pertaining to applicants and recipients of scholarships awarded by the Brown v. Board of Education Scholarship Awards Committee, and deliberations of the Committee relating to the review and consideration of awards, scholarship renewal, setting the annual maximum scholarship award, and the cancellation, rescindment, or recovery of awards from FOIA; (v) provides definitions; (vi) authorizes the Awards Committee to cancel, rescind, and recover awards; (vii) allows students to take courses of a religious or theological nature to satisfy undergraduate elective requirements for a liberal arts nonreligious degree; (viii) requires applicants to sign acceptance forms, affirming the submitted information and agreeing to pursue the education program for which the award was given to its completion; (ix) establishes criteria for the renewal of awards; (x) requires education agencies to credit promptly student accounts after awards have been disbursed; and (xi) makes certain technical amendments. In addition, the second and third enactment clauses of Chapter 753 and Chapter 834 of the 2005 Acts of Assembly are repealed. The second enactment clause of these chapters permitted students enrolled in approved education programs upon the expiration of the Program to complete their course of study. The third enactment clauses of these chapters provided that the State Council of Higher Education must review and approve the application for renewal of scholarship awards to students who were enrolled in approved education programs upon the expiration of the Program. This bill is a recommendation of the Brown v. Board of Education Scholarship Awards Committee.

Patron - Lambert

SB711 Commission on Electric Utility Restructuring. Authorizes the Commission on Electric Utility Restructuring to appoint persons who are not members of the Commission to any subcommittee that the Commission may establish. The measure also specifically authorizes the Commission to evaluate and assess the implications of the scheduled expiration of capped rates.

Patron - Norment

Failed

HB7 General Assembly; introduction limits. Prohibits a member of the General Assembly from introducing more than a combined total of 12 bills, joint resolutions, and resolutions during any regular session of the General Assembly. Exceptions to this limitation include legislation that (i) commends, congratulates, or memorializes and is not referred to a standing committee under the rules of the respective house; (ii) relates to the administration of government and is introduced at the request of the Governor; (iii) involves the confirmation of gubernatorial or circuit court appointees or the election of judges or other officials by the General Assembly; and (iv) affects the procedures or schedule of the General Assembly. The provisions of the bill will expire on July 1, 2008.

Patron - Purkey