

ment of Motor Vehicles shall disqualify for a period of one year any commercial driver's license holder who has been convicted of a violation of § 18.2-251.4 (falsifying urine tests).

*Patron - Fralin*

**HB3078 Charitable gaming; regulation of bingo callers; exceptions.** Provides that bingo callers for volunteer fire departments and rescue squads and auxiliary units thereof are exempt from registering with the Department in order to receive remuneration as a bingo caller.

*Patron - Abbitt*

**HB3085 Admission of evidence; taking indecent liberties.** Expands the scope of the rape shield statute to include prosecutions for taking indecent liberties with children under § 18.2-370, 18.2-370.01, or 18.2-370.1. Currently, the statute only applies to prosecutions of criminal sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2. This bill also adds § 18.2-370.01 (taking indecent liberties with a child under the age of 14 by a child over the age of 13 and under the age of 18 where the accused is five or more years older than the victim) to the list of offenses where the court may, on its own motion or at the request of the Commonwealth, the complaining witness, the accused or their counsel, exclude all persons from the courtroom during preliminary hearings except officers of the court and certain other persons whose presence the court finds is necessary and will not impair the conduct of a fair hearing.

*Patron - Shannon*

**HB3098 Ignition interlock and loss of restricted license.** Provides that a DUI ignition interlock installation shall be for six consecutive months as opposed to the current "six months" provided that the defendant has no alcohol-related violations of the interlock requirements. The bill also reduces the driver's blood alcohol content from 0.025 to 0.02 for triggering the ignition interlock to be consistent with previous changes to the Code of Virginia.

*Patron - Iaquinto*

**HB3140 Charitable gaming; bingo callers.** Eliminates membership in a qualified organization in order to be registered with the Charitable Gaming Department as a bingo caller.

*Patron - Reid*

**SB769 Department of Charitable Gaming; reports of gross receipts and disbursements.** Provides for each qualified organization to file at least annually a report of all receipts and disbursements from its charitable gaming operation. The bill also authorizes the Board for Charitable Gaming to require a qualified organization whose net receipts exceed a specified amount during any three-month period to file a report of its receipts and disbursements for such period. Currently the qualified organizations are required to file the report for each calendar quarter. The bill also authorizes a qualified organization to designate or compensate an outside individual or group to file the annual report.

*Patron - Potts*

**SB815 Extortion with certain documents; penalties.** Provides that any person who destroys, removes, confiscates, or possesses any actual or purported passport, immigration document, or other government identification document, and thereby extorts money, property, or pecuniary benefit or any note, bond, or other evidence of debt from him or any other person, is guilty of a Class 5 felony. SB 1057 and SB 1227 are incorporated into this bill.

*Patron - Cuccinelli*

**SB842 Department of Charitable Gaming; gross receipts; "winner-take-all" games.** Provides that the proceeds from any bingo game commonly referred to as "winner-take-all" games shall not be included in determining the gross receipts for a qualified organization.

*Patron - Colgan*

**SB884 Retrieving hunting dogs.** Requires hunters retrieving their hunting dogs from a landowner's property to identify themselves when requested by the landowner. A hunter who refuses to identify himself is guilty of a Class 4 misdemeanor. This bill is identical to HB 2531.

*Patron - Deeds*

**SB886 Limits on driving on a restricted permit.** Provides that a person whose license to operate a motor vehicle has been suspended or revoked may be issued a restricted permit to drive for the purpose of providing medically necessary transportation of any person residing in the person's household with a serious medical problem, as designated by the court, upon written verification of need by a licensed health professional. Currently, the restriction is narrower, only allowing such person to drive an elderly parent for a medical necessity and to drive minor children to medical care facilities.

*Patron - Deeds*

**SB927 Sex offenses prohibiting entry onto school property; penalty.** Provides that an adult who has been convicted of a sexually violent offense is guilty of a Class 6 felony if he enters or is present, during school hours, any property he knows or has reason to know is a public or private elementary or secondary school or child day center property, unless he (i) is lawfully voting; (ii) is a student enrolled at the school; or (iii) has received a court order allowing him to enter upon such property. The bill provides that such an adult may petition the juvenile and domestic relations district court or circuit court in the county or city where the school or child day center is located for permission to enter such property. For good cause shown, the court may issue an order permitting the petitioner to enter and be present on such property, subject to restrictions the court deems appropriate.

*Patron - Norment*

**SB1025 Abuse and neglect of incapacitated adults; penalties.** Provides that where an incapacitated adult dies as a result of abuse or neglect by a person who is responsible for the care, custody, or control of the incapacitated adult, that person is guilty of a Class 3 felony punishable by imprisonment of not less than five nor more than 20 years and a fine of not more than \$100,000. This bill is identical to HB 2459.

*Patron - O'Brien*

**SB1071 Sex offender registration; child pornography; penalties.** Requires a sex offender to include in the registration information any electronic mail address and any instant messaging screen name that he uses or will use. A sex offender must register any changes in email addresses, instant message, or other identity information within 30 minutes of such information changing. The bill defines child pornography as sexually explicit visual material which utilizes or has as a subject a person less than 18 years of age. The bill establishes enhanced penalties for the production, distribution, solicitation, participation, financing, or photographing of child pornography. The bill also clarifies that, for purposes of punishing production, child pornography means sexually explicit visual material that uses an identifiable minor, and that for purposes of punishing possession or reproduction, a person depicted by text or title or who appears to be less than 18 years of age in sexually explicit material is inferred to be less than 18 years of age. The bill

repeals § 18.2-374.1:2 but inserts similar language in § 18.2-374.1:1 relating to facilitating payment for or access to child pornography. This bill is identical to HB 2749.

*Patron - McDougle*

**SB1116 Capital murder of a judge or witness.** Provides that the willful, deliberate and premeditated killing of a judge or justice when the killing is for the purpose of interfering with the judge's official duties is punishable as capital murder, a Class 1 felony, and that the willful, deliberate and premeditated killing of any witness under subpoena in a criminal case when the killing is for the purpose of interfering with the person's duties in such case is punishable as capital murder, a Class 1 felony. HB 2750 and HB 2347 contain identical provisions.

*Patron - Rerras*

**SB1130 Crimes; maiming of another resulting from operating a watercraft while intoxicated; penalty.** Makes it a Class 6 felony to operate a watercraft while intoxicated in violation of § 29.1-738 or any local ordinance substantially similar in a manner so gross, wanton, and culpable as to show reckless disregard for human life, and to unintentionally cause the serious bodily injury of another person resulting in permanent and significant physical impairment. The bill also adds statutes dealing with boating while intoxicated to the statute that allows written reports of blood alcohol tests conducted upon persons receiving medical treatment in a hospital or emergency room to be admissible in evidence as a business records exception to the hearsay rule in prosecutions for DUI. This bill is identical to HB 2978.

*Patron - Norment*

**SB1154 Department of Charitable Gaming; definitions; athletic associations and band booster clubs.** Authorizes an athletic association or athletic booster club, or a band booster club to sell instant bingo, pull tabs, or seal cards as a part of its annual fund-raising event provided that the sale is limited to a single event in a calendar year and the event is open to the public.

*Patron - Potts*

**SB1179 Charitable Gaming Department; prohibited practices; bingo jackpot; "winner-take-all" games.** Requires organizations to sell and separately account for bingo jackpot games. The bill also authorizes up to two "winner-take-all" games in any given bingo session.

*Patron - Stolle*

**SB1180 Larceny of a dog collar; penalty.** Provides that any person who removes from a dog an electronic or radio transmitting collar without the permission of the owner of the dog and with the intent to prevent or hinder the owner from locating the dog, is guilty of a Class 1 misdemeanor. This bill also provides that upon a finding of guilt, the court shall order that the defendant pay as restitution the actual value of any dog lost or killed as a result of such removal. The court may also order restitution to the owner for any lost breeding revenues. This bill is identical to HB 2365.

*Patron - Stolle*

**SB1288 Redefinition of the triggerman rule.** Redefines the "triggerman rule," which currently 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 be punished only as if guilty of first degree murder. This bill allows principals in the second degree and accessories before the fact to be charged as principals in the first degree in the cases of murder for hire, murder involving a continuing criminal enterprise, and terrorism. This bill allows, in all other

cases of capital murder, principal in the second degree to be tried as a principal in the first degree if he had the same intent to kill as the principal in the first degree. The bill allows an accessory before the fact to be tried as a principal in the first degree if he ordered or directed the willful, deliberate, and premeditated killing. This bill is identical to HB 2348.

*Patron - Obenshain*

## Failed

**HB1626 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. This bill incorporates HB 2458.

*Patron - Janis*

**HB1631 Killing a fetus; penalty.** Provides that any person who unlawfully, willfully, deliberately, maliciously and with premeditation kills a fetus is guilty of a Class 2 felony, and that any person who commits such an act without premeditation is guilty of a felony punishable by confinement in a state correctional facility for not less than five nor more than 40 years. Currently the act of unlawfully killing a fetus as described in this statute is a crime only if the fetus is the fetus "of another."

*Patron - Jones, S.C.*

**HB1661 Adultery; definition.** Expands the definition of adultery to mean any person, being married, who carnally knows another person not his spouse. Currently, the definition of adultery is limited to sexual intercourse only. This bill also clarifies that a person may be guilty of adultery regardless of the gender of the person with whom he engages in such conduct.

*Patron - Marshall, R.G.*

**HB1665 Forced or coerced abortion prohibited; penalty.** Provides that any person who forces or coerces a pregnant female of any age to have an abortion against her will is guilty of a Class 1 misdemeanor. However, if such a violation is committed by the father or putative father of the unborn child when the pregnant female is less than 18 years of age, and the father or putative father is 18 years of age or older, the father or putative father is guilty of a Class 6 felony.

*Patron - Marshall, R.G.*

**HB1677 Motor vehicles; eluding police officer.** Adds an intermediate Class 1 misdemeanor penalty for anyone who disregards a signal from any law-enforcement officer to bring his motor vehicle to a stop or drives such motor vehicle in an attempt to elude or escape from a law-enforcement officer.

*Patron - Peace*

**HB1680 Unavailability of deferred proceedings in domestic assault cases for previously convicted felons.** Provides that a person previously convicted of a felony offense against a person is not eligible for deferred proceedings in a domestic assault case unless the felony was committed more than 10 years prior to such consideration. Current law prohibits

any consideration if a person has been convicted of an assault and battery type offense.

*Patron - Cosgrove*

**HB1698 Indecent liberties with children.** Expands the current crime of taking indecent liberties with children to include situations where the perpetrator proposes that the child engage in self arousal of a sexual nature.

*Patron - Lingamfelter*

**HB1728 Sale or purchase of novelty cigarette lighters; civil penalty.** Provides that any person who sells to, distributes to, purchases for or knowingly permits the purchase by any person less than 18 years of age, knowing or having reason to believe that such person is less than 18 years of age, any cigarette lighter that is not readily identifiable as such, is punishable by a civil penalty of no more than \$100 and that any person less than 18 years of age who attempts to purchase a cigarette lighter that is not readily identifiable as such is likewise punishable by a civil penalty of no more than \$100.

*Patron - Lohr*

**HB1739 Second offense of assault and battery against a family or household member; penalty.** Provides that the penalty for any person who commits a second offense of assault and battery against a family or household member within five years following a conviction of a prior such offense shall include a 30-day mandatory minimum term of incarceration and adds a six-month mandatory minimum sentence to the Class 6 felony for a third offense in 20 years. Assault and battery against a family or household member is a Class 1 misdemeanor.

*Patron - Fralin*

**HB1759 Penalty for carnal knowledge of certain minors.** Raises the penalty for carnal knowledge of a minor who is confined or detained or committed to the custody of the Department of Juvenile Justice from a Class 6 to a Class 4 felony.

*Patron - Kilgore*

**HB1774 Disorderly house; penalty.** Provides that it is unlawful for any person to keep, maintain or operate or to visit a disorderly house. The bill allows the governing bodies of counties, cities, and towns to adopt ordinances prohibiting and punishing such conduct. A violation of this law is punishable as a Class 1 misdemeanor. "Disorderly house" is defined to mean a house or building where persons meet or may meet for the purpose of unlawfully dispensing or indulging in intoxicating liquors, unlawful gaming, or boisterous or other disorderly conduct.

*Patron - Cosgrove*

**HB1775 Gang membership "predicate acts" listing.** Adds § 18.2-154 (shooting at a vehicle) and § 18.2-279 (shooting at an occupied building or dwelling) to the list of "predicate acts" for determination of criminal street gang member status.

*Patron - Cosgrove*

**HB1794 Penalty for object penetration.** Provides that the penalty for object penetration when the victim is less than 10 years of age shall include a mandatory term of confinement of 25 years.

*Patron - Griffith*

**HB1802 Crimes; impersonating an officer.** Increases from a Class 1 misdemeanor to a Class 6 felony the

penalty for falsely assuming or exercising the functions, powers, duties, and privileges of a law-enforcement officer.

*Patron - Cosgrove*

**HB1827 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. This bill was incorporated into HB 1921.

*Patron - Suit*

**HB1841 Penalty for statutory rape.** Provides that the penalty for statutory rape (victim under the age of 13) shall include a mandatory minimum term of confinement of five years.

*Patron - Kilgore*

**HB1857 Possession of marijuana on school grounds.** Punishes the possession of marijuana on school grounds or on a school bus as a Class 1 misdemeanor. Currently the offense generally is punishable by a \$500 fine and 30 days in jail.

*Patron - Wittman*

**HB1861 Battery upon a school employee.** Provides that any person who commits battery against another knowing or having reason to know that such other person is an employee of a public or private elementary or secondary school and is engaged in the performance of his duties as such, is guilty of a Class 1 misdemeanor, and the sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall be a mandatory minimum term of confinement. Currently, the enhanced punishment only applies to a full-time or part-time teacher, principal, assistant principal, or guidance counselor.

*Patron - Wittman*

**HB1863 Battery upon a school bus driver; penalty.** Provides that if any person commits a battery against another knowing or having reason to know that such other person is a school bus driver engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor with a mandatory minimum term of confinement of two days. This provision currently limits victims of the offense to a full-time or part-time teacher, principal, assistant principal, or guidance counselor of any public or private elementary or secondary school.

*Patron - Wittman*

**HB1864 Subsequent offenses of stalking; penalty.** Provides that a second stalking conviction occurring within five years (a Class 1 misdemeanor) is punishable by a mandatory minimum sentence of 30 days and that a third offense in five years or an offense during the pendency of a protective order is a Class 6 felony with a mandatory minimum sentence of 90 days.

*Patron - Wittman*

**HB1866 Firearms on school property; pneumatic weapons; penalty.** Makes it a Class 6 felony to possess a firearm that expels a projectile by action of pneumatic pressure on school property, subject to certain exemptions.

*Patron - Wittman*

**HB1892 Voluntary revocation of restricted driver's license.** Provides that if a convicted person is in compliance with the terms and restrictions of his restricted permit (issued pursuant to a DUI conviction) and no longer chooses to

drive under a restricted permit, he may petition the court for revocation. Upon such petition, the court shall forthwith revoke a person's restricted permit.

*Patron - Albo*

**HB1896 Punishment for defacing or destroying any war memorial.** Provides that punishment for any person who defaces or destroys any war memorial at the direction of, for the benefit of, or in clear association with any criminal street gang, as defined in § 18.2-46.1, shall include a mandatory minimum term of incarceration of 10 days.

*Patron - Albo*

**HB1918 Federal illegal alien status unlawful in Virginia; penalty.** Provides that any alien who is present in the United States illegally, as verified by the Bureau of Immigration and Customs Enforcement, is guilty of a Class 1 misdemeanor. This bill was incorporated into HB 1970.

*Patron - Cole*

**HB1924 Second and third offense of assault and battery against a family or household member; penalty.** Provides that the punishment for any person who commits a second offense of assault and battery against a family or household member (a Class 1 misdemeanor) within five years following a conviction of a prior such offense shall include a 10-day mandatory minimum term of incarceration. The bill also provides that for a third offense within 20 years (a Class 6 felony) the punishment shall include a mandatory minimum term of incarceration of 90 days. This bill was incorporated into HB 1739.

*Patron - Griffith*

**HB1960 Crimes; death penalty.** Abolishes the death penalty for all Class 1 felonies committed on or after July 1, 2007.

*Patron - Hargrove*

**HB1970 Federal illegal alien status unlawful in Virginia; penalty.** Provides that any alien who is present in the United States illegally and is removable, as verified by the Bureau of Immigration and Customs Enforcement, is guilty of a Class 1 misdemeanor, but the offense is not a primary offense.

*Patron - Albo*

**HB2075 Assault and battery upon a law-enforcement officer to include ABC agents.** Rewrites the definition of law-enforcement officer in the section punishing assault and battery to include special agents of the Department of Alcoholic Beverage Control.

*Patron - Armstrong*

**HB2110 Exclusion of certain drugs from drug "first-offender" deferral and dismissal consideration.** Excludes cocaine, heroin, and methamphetamine for consideration of deferred proceedings and dismissal under the drug "first offender" statute. This bill was incorporated into HB 2481.

*Patron - Carrico*

**HB2124 Abortion illegal upon overturning of *Roe v. Wade*.** Provides that if and when the United States Supreme Court decision in *Roe v. Wade*, 410 U.S. 113 (1973) is overturned, allowing the states to by their laws once again regulate abortion, the law in the Commonwealth of Virginia rendering abortion a crime, as it was in effect on June 30, 1970, and prior to the decision in *Roe v. Wade*, shall be reinstated. The Attorney General shall publish legal notice statewide that, in his opinion, the decision is overturned and that Virginia's law is as

it was prior to the decision in *Roe v. Wade*. The Attorney General shall publish statewide notice of the change in law, along with the reinstated law governing the criminal offense of abortion.

*Patron - Marshall, R.G.*

**HB2125 Coerced abortions prohibited.** Prohibits coerced abortions and provides a civil remedy on behalf of the female and the unborn child against the person who coerced it.

*Patron - Marshall, R.G.*

**HB2140 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. The provisions of this bill, as they apply to governmental entities, become effective July 1, 2008.

*Patron - Brink*

**HB2146 Unattended children in a motor vehicle.** Provides that any driver or operator of a motor vehicle who leaves an unattended child in a motor vehicle is guilty of a Class 1 misdemeanor. The bill defines "unattended child" as a child under six years of age who has been left in a motor vehicle by the driver or operator of the vehicle when the driver or operator is unable to continuously observe the child, unless a person 12 years of age or older is physically present in the motor vehicle with the child.

*Patron - Albo*

**HB2162 Those considered accessories after the fact.** Provides that in the case of every felony, every accessory after the fact is guilty of a Class 1 misdemeanor. Currently certain blood relatives, etc., of the principal are not considered accessories. The proviso is also added that a violation of this section is a separate and distinct offense and is not a lesser-included offense of any other crime.

*Patron - Wright*

**HB2175 Sex offenses prohibiting proximity to children; penalty.** Adds publicly operated recreation centers and community center facilities serving children to those places where a person convicted of certain sexual offenses defined as "sex offenses prohibiting proximity to children" is prohibited from loitering within 100 feet of.

*Patron - BaCote*

**HB2221 Birth control; definition.** Adds a definition of birth control. Birth control means contraceptive methods that are approved by the U.S. Food and Drug Administration. Birth control shall not be considered abortion for the purposes of Title 18.2.

*Patron - Amundson*

**HB2231 Carrying concealed handguns; State Police officers.** Allows a State Police officer who leaves the Department of State Police in good standing, if such officer

goes to a position in a criminal justice agency as a constitutional officer, to carry a concealed handgun with written proof of consultation and favorable review from the Department. This is the same standard that applies to retired law-enforcement officers in the Commonwealth.

*Patron - Nutter*

**HB2235 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.

*Patron - Nutter*

**HB2249 Restricted driving permits; allowable reasons.** Allows a judge to issue a restricted permit to a person with a DUI offense for the purpose of driving to religious services.

*Patron - Hogan*

**HB2253 Stalking; enhanced penalties.** Provides that any person who commits a second or subsequent offense of stalking occurring within five years of a conviction of a prior offense is guilty of a Class 6 felony. Currently, the Class 6 felony applies for a third or subsequent offense. The bill also provides that any person who commits an offense of stalking when, at the time of the offense, there is in effect any court order prohibiting contact between the defendant and the victim or the victim's family or household member is guilty of a Class 6 felony. This bill was incorporated into HB 1864.

*Patron - Waddell*

**HB2264 Extortion of immigrants; penalty.** Provides that any person who confiscates, withholds or threatens to withhold any actual or purported passport, immigration document, or other government identification document, and thereby extorts money, property, or pecuniary benefit or any note, bond, or other evidence of debt from him or any other person, is guilty of a Class 5 felony. This bill was incorporated into HB 1921.

*Patron - Albo*

**HB2279 Child sex offenses.** Merges two child sex offense sections into one. The bill also creates a number of new crimes labeled "indecent liberties against a child" with new victim age classifications and offender classifications.

*Patron - Watts*

**HB2301 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*

**HB2321 Larceny by computer; penalties.** Provides that a person who uses a computer or computer network to (i) purchase or attempt to purchase property or services with a mode of payment he knows or has reason to know is false, fictitious, or is without the consent of the responsible payor, or (ii) sell or attempt to sell property he knows or has reason to know is stolen, has committed larceny by computer which is punishable as larceny.

*Patron - Gilbert*

**HB2324 Manufacturing, selling, giving, distributing of methamphetamine; penalty.** Provides that, notwithstanding any other provision of law, any person who

manufactures, sells, gives, distributes, or possesses with intent to manufacture, sell, give, or distribute 28 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers is guilty of a felony punishable by a fine of not more than \$500,000 and imprisonment for not less than five nor more than 40 years, three years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence. The bill also provides that, notwithstanding any other provision of law, any person who manufactures, sells, gives, distributes, or possesses with intent to manufacture, sell, give, or distribute 227 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers is guilty of a felony punishable by a fine of not more than \$1,000,000 and imprisonment for not less than five years nor more than life, five years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence.

*Patron - Gilbert*

**HB2329 Mandatory minimum jail time for third offense DUI.** Provides that the sentence of any person convicted of three DUI offenses committed within a 10-year period shall include a mandatory minimum sentence of confinement of six months, as opposed to the current 90 days. The bill also provides that if the three offenses were committed within a five-year period, the sentence shall include a mandatory minimum sentence of confinement of one year, as opposed to the current six months.

*Patron - Gilbert*

**HB2331 Crimes; assault and battery.** Provides that if any person commits an assault or an assault and battery against an attorney for the Commonwealth, engaged in the performance of his public duties, knowing or having reason to know that such other person is an attorney for the Commonwealth, the offender will receive an enhanced penalty for such assault or assault and battery.

*Patron - Gilbert*

**HB2336 Fraudulent use of birth certificates, etc.; penalty.** Any person who fraudulently uses a birth certificate is guilty of a Class 6 felony. Currently, the crime is a Class 1 misdemeanor unless the birth certificate is used to buy a firearm, which is a Class 6 felony.

*Patron - Gilbert*

**HB2337 Ingestion of drugs by pregnant woman as child abuse; penalty.** Provides that any pregnant female who intentionally ingests a Schedule I or II controlled substance without a prescription or, if prescribed for her, in a manner inconsistent with the prescription is guilty of an act so gross, wanton and culpable as to show a reckless disregard for human life and is guilty of child abuse and neglect, a Class 6 felony. Presence in the pregnant female's bloodstream of an illegal Schedule I or II controlled substance or a legal Schedule I or II controlled substance in a quantity inconsistent with her prescription raises an inference that the substance was ingested intentionally.

*Patron - Gilbert*

**HB2404 Sex offenses prohibiting residing in proximity to children; penalty.** Prohibits an adult who is convicted of an offense requiring registration where the victim was a minor from residing within 1000 feet of the premises of a child day center, a public, private, parochial, primary, secondary, or high school. A violation of this section is a Class 6 felony; however, this section shall not apply where the facility is established subsequent to the person's conviction.

*Patron - Athey*

**HB2405 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*

**HB2406 Possession of concealed weapons.** Creates a new exemption to the general prohibition against carrying concealed weapons by allowing a person who may lawfully possess a firearm to carry a handgun in a private motor vehicle or boat if the handgun is locked in a container or compartment.

*Patron - Athey*

**HB2454 Revocation of license for multiple convictions of driving while intoxicated.** Provides that the license of a person convicted of DUI three times in 10 years shall be permanently revoked.

*Patron - Cline*

**HB2455 Use of profane, threatening, or indecent language via computer with intent to harass, etc.; penalty.** Adds computer to the prohibition against using communication devices to threaten or harass others. The term "computer" includes a computer device (e.g., Blackberry) under the Virginia Computer Crimes Act.

*Patron - Cline*

**HB2456 Anesthesia for fetuses.** Requires doctors to offer to anesthetize a fetus prior to abortion and to include in informational materials a statement that a fetus at 20 gestational weeks has the physical structures necessary to feel pain and react to physical stimuli in a manner that, in an infant or adult, would be interpreted as a response to pain.

*Patron - Cline*

**HB2458 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. This bill was incorporated into HB 1626.

*Patron - Cline*

**HB2481 Exclusion of certain drugs from drug "first-offender" deferral and dismissal consideration.** Excludes cocaine, heroin, and methamphetamine for consideration of deferred proceedings and dismissal under the drug "first offender" statute.

*Patron - Crockett-Stark*

**HB2488 Unlawful civilian surveillance.** Provides that any person who engages in civilian surveillance without legal authority is guilty of a Class 1 misdemeanor. The bill defines civilian surveillance to mean either openly or clandestinely (i) intentionally aiming an unmanned still or video camera or recording device at the dwelling or the curtilage of the dwelling of another or (ii) intentionally photographing or video recording the dwelling or the curtilage of the dwelling of another when such photographing or video recording is for the

purpose of intimidation or when the act reasonably results in the intimidation of another.

*Patron - Bulova*

**HB2515 Crimes; disorderly conduct.** Allows the Commonwealth in the prosecution of disorderly conduct to include as part of its case evidence of the utterance or display of words or conduct punishable elsewhere in Title 18.2.

*Patron - Carrico*

**HB2526 Possession of certain controlled substances while possessing a firearm.** Makes it a crime to knowingly possess a firearm while in the unlawful possession of a Class III, IV, V, or VI controlled substance or marijuana. A violation is a Class 1 misdemeanor and is a separate and distinct offense.

*Patron - Iaquinto*

**HB2532 Unintentionally causing death of fetus punishable as involuntary manslaughter.** Provides that any person who, while engaged in gross, wanton and culpable conduct that shows a reckless disregard for the life or safety of others, causes injury to another person who is pregnant, and that conduct is the cause of a miscarriage or stillbirth, is guilty of a Class 5 felony.

*Patron - Landes*

**HB2535 Manner by which sexual battery is committed.** Removes "force, threat, intimidation or ruse" from the elements by which sexual battery may be committed.

*Patron - Landes*

**HB2551 Human trafficking; penalties.** Establishes the crime of and punishment for human trafficking, a Class 4 felony. Punishes human trafficking, when for the purposes of commercial sex acts or sexually explicit performance, as a Class 2 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*

**HB2565 Computer fraud; penalty.** Clarifies that computer fraud can occur if a person converts or copies the property of another without authorization.

*Patron - Shannon*

**HB2573 Concealed handgun permits; fees.** Adds retired credentialed intelligence agents of the armed forces of the United States or civilian agencies of the United States government to the list of retired individuals who do not have to pay the \$50 fee for a concealed handgun permit.

*Patron - Shannon*

**HB2575 Family assault and battery; deferred finding.** Provides that a defendant who has waived his right to appeal cannot appeal the underlying offense in order to accept deferred findings of a family assault conviction.

*Patron - Shannon*

**HB2578 Indecent liberties with children; penalties.** Provides that it is a Class 5 felony if a person 18 years of age or older, with lascivious intent, knowingly and intentionally proposes that a child under the age of 15 years feels or fondles the child's own sexual or genital parts. Taking indecent liberties with a child by a person in a supervisory or custodial relationship is amended in the same way, but it applies to an unemancipated child under the age of 18 and is a Class 6 felony. This bill was incorporated into HB 1698.

*Patron - Shannon*

**HB2586 Looting; penalty.** Defines looting and sets punishment at a Class 1 misdemeanor for a first offense and a Class 6 felony for a second or subsequent offense.

*Patron - Janis*

**HB2588 Certification of machine gun transfer and registration.** Names the Superintendent of the Department of State Police as a chief law-enforcement officer for purposes of certifying applications for the transfer and registration of weapons subject to the National Firearms Act. Upon receipt of a request to certify an application, the Superintendent shall provide the certification within 15 days unless he has knowledge that the applicant is prohibited from receiving the weapon.

*Patron - Janis*

**HB2593 Concealed weapons; judges may carry without a permit.** Authorizes a judge of the Commonwealth to carry a concealed weapon without obtaining a permit whenever such judge may travel in the Commonwealth. Current law only authorizes a judge to carry a concealed handgun without a permit while in the discharge of his official duties or while in transit to and from such duties.

*Patron - Janis*

**HB2596 Loss of driver's license for drug possession.** Increases the period of driver's license suspension to a maximum of one year for possession of a controlled substance or marijuana. Currently, the suspension period is set at six months.

*Patron - Rapp*

**HB2619 Computer Crimes Act; definitions.** Defines "value" to include but not be limited to the costs of production, costs of acquisition, replacement costs, or the fair market value of any property lost, destroyed, stolen, or misappropriated by a violation of this Act.

*Patron - Fralin*

**HB2622 Harboring illegal alien; penalty.** Provides that any person who as a part of a commercial enterprise harbors, transports, or conceals an alien is guilty of a Class 6 felony if he knew that the alien was in the United States illegally.

*Patron - Reid*

**HB2648 Producing abortion or miscarriage, etc.; penalty.** Provides that any person, including the pregnant female, who administers to or causes to be taken by a pregnant female any drug or other thing or uses means, with intent to destroy her unborn child, or to produce abortion or miscarriage and thereby destroys such child or produces such abortion or miscarriage is guilty of a Class 4 felony. The bill excepts medically approved contraceptives as a means of producing abortion or miscarriage. Current law does not with specificity include the pregnant female as a possible perpetrator.

*Patron - Jones, S.C.*

**HB2652 Concealed weapons.** Amends the provisions relating to carrying concealed weapons and concealed handgun permits by creating a new article, dealing specifically with the procedures and requirements to obtain a concealed handgun permit. The changes are organizational, and not substantive, in nature.

*Patron - Lingamfelter*

**HB2711 Child unattended in a car; penalty.** Provides that it is unlawful for any person who is responsible for a child younger than six years of age to leave such child unattended in a motor vehicle if the conditions within the vehicle or

in the immediate vicinity of the vehicle, including outside temperature, present a risk to the health or safety of the child. The penalty for a first offense is a \$100 civil penalty, for a second offense a Class 4 misdemeanor, and for a third or subsequent offense a Class 3 misdemeanor.

*Patron - Barlow*

**HB2712 Prohibition against concealment of dead body; penalty.** Provides that any person who transports, secretes, conceals, desecrates or alters a dead body with the intent to prevent detection of the death or the manner or cause of death is guilty of a Class 6 felony. This bill was incorporated into HB 1777.

*Patron - Barlow*

**HB2713 Obstruction of justice.** Any person who, in order to avoid investigation of himself for a crime, willfully fails to make a telephone call to or otherwise communicate with law enforcement or an emergency health care provider when he knows that a criminal act has occurred or that another person is in danger or has suffered severe bodily injury, is guilty of a Class 1 misdemeanor.

*Patron - Barlow*

**HB2728 Domestic assault on minor; custody and visitation.** Establishes a presumption against making an award of joint custody to or permitting unsupervised visitation by a party who has been convicted of an assault and battery on a child under § 18.2-57.2. Current law only requires that a court consider any history of family abuse in determining the best interests of a child in a custody or visitation case.

*Patron - Englin*

**HB2736 Assault and battery against a family or household member; penalty.** Provides that a deferral and dismissal of family assault and battery is considered a conviction for purposes of the enhanced penalty for multiple offenses.

*Patron - Englin*

**HB2748 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 - Hall*

**HB2751 Possession of firearms by illegal aliens; prosecution.** Allows a certified "Certificate of Nonexistence of Record" from the United States Department of Homeland Security to be admitted into evidence without proving the signature, authority, or seal of the executing individual.

*Patron - Hurt*

**HB2756 Probation and suspended sentence violations; escape.** Provides that a warrant or capias issued by a court for the arrest of a person for violating the terms of a suspended sentence or probation is considered an arrest warrant for a misdemeanor charge if the underlying charge is a misdemeanor and an arrest warrant for a felony if the underlying charge is a felony. The bill makes a similar provision for escape from custody, providing that a person in custody on a misdemeanor charge or after conviction of a misdemeanor who escapes is guilty of a Class 1 misdemeanor. In the case of a felony, the person who escapes is guilty of a Class 6 felony.

*Patron - Hurt*

**HB2768 Possession of certain firearms by persons under the age of 18; parental consent.** Qualifies that a person under the age of 18 may only possess a handgun or firearm at his home or at the home of his parent, grandparent, or legal

guardian if the parent or legal guardian has given permission for the possession of the handgun or firearm.

*Patron - Hurt*

**HB2769 Possession of pocket knives on school property.** Amends the exception that allows a person to carry a pocket knife on school property so that it no longer applies to students or to persons not authorized to be on school property.

*Patron - Hurt*

**HB2771 Charging the crime of larceny.** Provides that any charge of larceny or an offense deemed to be larceny (e.g., embezzlement) may be charged under the larceny statute and need not be charged with absolute specificity (e.g., larceny of banknotes pursuant to § 18.2-98).

*Patron - Hurt*

**HB2775 Aggravated larceny; penalty.** Provides that any person who commits assault or assault and battery while in the commission of, or in furtherance of, a larceny not from the person of another is guilty of aggravated larceny.

*Patron - Janis*

**HB2778 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 10 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*

**HB2808 Requirement of ultrasound testing as part of informed consent for abortion.** Requires that, as a component of informed consent to an abortion, every pregnant female shall be given the opportunity to view an ultrasound image of her unborn child prior to the abortion.

*Patron - Byron*

**HB2811 Possession of firearms in residences of mentally ill persons.** Requires the Department of State Police, in cooperation with the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop educational materials concerning the possession of firearms in homes occupied by a mentally ill person. Such materials shall be available on each Department's website. The Department of State Police shall also establish a program to allow for the storage of firearms by owners who reside in a home with a mentally ill person.

*Patron - Sickles*

**HB2828 Enhanced penalty for stalking of a minor.** Provides that if at the time of the offense of stalking, the victim is a minor and the offender is 10 or more years older than the victim, the sentence imposed shall include a mandatory minimum term of confinement of 60 days. The bill also provides that for a second or subsequent such conviction occurring within five years the penalty shall include a mandatory minimum term of confinement of six months.

*Patron - Peace*

**HB2875 Penalty for driving while intoxicated; subsequent offense; penalty.** Eliminates the requirement that a third or fourth conviction for the offense of driving while intoxicated must have been committed within a 10-year period

of the prior offenses in order for the defendant to receive enhanced penalties.

*Patron - McEachin*

**HB2900 Firearms; carrying at Capitol Square.** Prohibits the possession of firearms on Capitol Square. Violation of the section is a Class 1 misdemeanor. There is an exception for law-enforcement officers and licensed security guards. For purposes of this section, "Capitol Square" means the grounds in that area of the City of Richmond bounded by Bank, Governor, Broad, and Ninth Streets, and the interior of the State Capitol, the General Assembly Building, and the Patrick Henry Building.

*Patron - Spruill*

**HB2924 Extortion of immigrants; penalty.** Provides that any person who confiscates, withholds or threatens to withhold any actual or purported passport, immigration document, or other government identification document, and thereby extorts money, property, or pecuniary benefit or any note, bond, or other evidence of debt from him or any other person, is guilty of a Class 5 felony. This bill was incorporated into HB 1921.

*Patron - Ebbin*

**HB2960 Hotel or restaurant services, etc.; larceny; penalty.** Provides that failure to pay charges at a hotel, motel, campground, boardinghouse, restaurant, eating house, or amusement park for food, entertainment or accommodation is larceny, making the offense subject to the provision that a third larceny conviction, regardless of the amount, is a Class 6 felony. If the value of the service received is \$200 or less, the penalty will remain a Class 1 misdemeanor; if it is \$200 or more, the offense will be grand larceny, punishable by imprisonment in a state correctional facility for not less than one nor more than 20 years or, in the discretion of the jury or of court trying the case without a jury, confinement in jail not exceeding 12 months or a fine not more than \$2,500, either or both.

*Patron - Bell*

**HB2964 Unlawful entry into a motor vehicle; penalties.** Makes it a Class 1 misdemeanor for a person to enter or remain within a motor vehicle knowing that he does not have permission of an owner, a lessee, or an authorized operator. There are exceptions for law-enforcement officers, lien holders, and persons removing abandoned vehicles.

*Patron - Bell*

**HB2971 Drug Treatment Court Act.** Restricts the use of Drug Treatment Courts to cases involving possession of drugs or marijuana, and cases involving probation violations following conviction of drug or marijuana possession.

*Patron - Bell*

**HB2973 Unsolicited bulk electronic messages; cell phone spam; penalty.** Changes the scope of Virginia's spam law from electronic mail to electronic messages by defining electronic message as any text, image, or other communication transmitted to a computer. The bill also adds wireless communications devices to the type of devices defined as computers. The bill reduces the number of messages necessary for a person to meet the requirements of this section to 2,500 attempted recipients in any 24-hour period, 25,000 attempted recipients in any 30-day time period, or 250,000 attempted recipients in any one-year time period. Additionally a new provision would make sending unsolicited bulk electronic messages a Class 6 felony if a single recipient of an electronic message or multiple electronic messages incurs damages in excess of \$250 during any one year time period.

*Patron - Bell*

**HB2974 Post-arrest testing to determine drug or alcohol content of blood.** Provides that if the arresting officer concludes that the person is physically unable to submit to a DUI breath test, a blood test shall be given. Currently, the blood test is given if the person is physically unable to take the breath test, without regard to the officer's conclusion.

*Patron - Bell*

**HB2979 Use of communications systems to facilitate certain sex offenses involving children.** Raises the penalty for use of a communications system, including but not limited to computers or computer networks or bulletin boards, or any other electronic means for the purposes of procuring or promoting the use of a minor for any activity in violation of § 18.2-370 or § 18.2-374.1 (solicitation and certain sex offenses) from a Class 6 to a Class 5 felony.

*Patron - Bell*

**HB2998 Possession of firearms by certain persons who have had parental rights terminated; penalty.** Prohibits a person who has had his parental rights terminated based upon a finding of aggravated circumstances from purchasing, possessing, or transporting a firearm. The bill defines aggravated circumstances as torture, chronic or severe abuse, or chronic or severe sexual abuse of a child of the parent or a child with whom the parent resided at the time such conduct occurred. A violation of this section would be a Class 1 misdemeanor.

*Patron - Scott, J.M.*

**HB3000 Possession of firearms following certain criminal convictions; penalty.** Prohibits a person who has been convicted of a misdemeanor crime of domestic violence from possessing or transporting a firearm in the Commonwealth. Such persons are currently prohibited from purchasing firearms under federal law.

*Patron - Scott, J.M.*

**HB3006 Investigation following conviction for criminal street gang activity.** States that upon conviction for certain youth gang offenses, the probation and parole officer shall verify the offender's immigration status. Permits further investigation of the offender's household.

*Patron - Marsden*

**HB3013 Firearms on school property; pneumatic weapons; penalty.** Makes it a Class 1 misdemeanor to possess a firearm that expels a projectile by action of pneumatic pressure on school property, subject to certain exemptions

*Patron - Wittman*

**HB3049 DUI conviction based on blood alcohol concentration after driving.** Substitutes "at any time after driving" for "while driving" in the DUI statute to describe the point in time at which a concentration of 0.08% alcohol in the bloodstream is sufficient for conviction.

*Patron - Albo*

**HB3086 Admissibility of DUI breath test certificate.** Provides that any individual conducting a DUI breath test shall issue a certificate that will indicate the name of the accused, the date and time the sample was taken from the accused, the sample's alcohol content, and the name of the person who examined the sample. No attestation is required, and the certificate comes into evidence. Currently, the certificate also contains the assertions that (i) the test was conducted in accordance with the Department's specifications, (ii) the equipment on which the breath test was conducted had been tested within the previous six months and found to be accurate, and (iii) prior to the administration of the test, the accused was

advised of his right to observe the process and see the blood alcohol reading on the equipment used to perform the breath test. Currently, the certificate must contain an attestation by the person who ran the test. The bill also provides that the accused in a DUI case may challenge the admissibility of the breath test certificate through proof that (i) the test was not conducted in accordance with the Department's specifications, (ii) the equipment on which the breath test was conducted had not been tested within the previous six months and found to be accurate, or (iii) prior to the administration of the test, the accused was not advised of his right to observe the process and see the blood alcohol reading on the equipment used to perform the breath test.

*Patron - Shannon*

**HB3108 Inquiries into the exercise of constitutional rights; civil penalty.** Prohibits any person from inquiring of a minor or mentally incompetent person as to the exercise of constitutionally protected rights, such as the exercise of religion or the right to keep and bear arms, by the person's family or household for purposes of statistical development or to justify the provision of social services by a person not retained by the parent or legal guardian. A violation is subject to a civil penalty not to exceed \$100. The section provides for certain exemptions from the prohibition.

*Patron - Janis*

**HB3124 Employer responsibility to give notice when certain offenders work near children; penalty.** Provides that every employer who (i) employs an employee who has been convicted of a felony offense occurring on or after July 1, 2007, where such felony offense requires registration pursuant to § 9.1-902, and (ii) has actual knowledge of such employee's conviction, shall give notice to any facility he knows or has reason to know is a school or child day center prior to sending the employee to any worksite that is within 100 feet of the school or child day center. A violation of this section is punishable as a Class 1 misdemeanor.

*Patron - Caputo*

**HB3189 Assault or assault and battery upon a law-enforcement officer.** Provides that upon the trial of any person charged with assault or assault and battery upon a law-enforcement officer, when the level of culpability is slight and the victim suffers no bodily injury, the court in its discretion may find the accused guilty of a Class 1 misdemeanor, punishment for which shall include a mandatory minimum term of incarceration of 30 days.

*Patron - Melvin*

**SB814 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 email. 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*

**SB827 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. The bill also pro-

vides that any party who sells, transfers, or trades a firearm shall be immune from all civil liability stemming from the use of the firearm sold, transferred, or traded in the commission of a crime if a criminal background check was conducted prior to the sale, transfer, or trade.

*Patron - Devolites Davis*

**FSB833 Drunk in public.** Provides that a third conviction of being intoxicated in public or profanely cursing in public is a Class 2 misdemeanor (confinement in jail for not more than six months or a fine of not more than \$1000, either or both). First and second convictions will remain a Class 4 misdemeanor (a fine of not more than \$250).

*Patron - Devolites Davis*

**FSB876 Crimes; gangs; definition of predicate criminal act.** Allows a person to be charged for criminal street gang participation for the first offense of manufacturing, selling, giving, distributing or possessing a controlled substance or imitation controlled substance with the intent to manufacture, sell, give, or distribute the substance. Currently, a person can only be charged for criminal street gang participation for a second or subsequent violation of such crime.

*Patron - McDougle*

**FSB879 Methamphetamine precursors; electronic log.** Requires that the log currently required to be maintained by sellers of products containing ephedrine, pseudoephedrine, or any of their salts or isomers or any salts of isomers must be kept in electronic format. The Board of Pharmacy is required to establish and maintain the log and ensure that the log is capable of checking compliance against all state, local and federal laws, including interfacing with other states to ensure comprehensive compliance.

*Patron - Deeds*

**FSB921 Murder committed in the presence of a minor; penalty.** Provides that any person who commits murder, in violation of § 18.2-31, 18.2-32, or 18.2-32.1, in the presence of a minor is guilty of a separate and distinct offense punishable as a Class 4 felony.

*Patron - Marsh*

**FSB978 Methamphetamine precursors; electronic log.** Requires that the log currently required to be maintained by sellers of products containing ephedrine, pseudoephedrine, or any of their salts or isomers or any salts of isomers must be kept in electronic format. The Board of Pharmacy is required to establish and maintain the log and ensure that the log is capable of checking compliance against all state, local and federal laws, including interfacing with other states to ensure comprehensive compliance.

*Patron - Edwards*

**FSB1007 Possession of weapons; law-enforcement facility.** Provides that it is a Class 1 misdemeanor to possess or transport a weapon into any marked, secure area of a law-enforcement facility in the Commonwealth. A law-enforcement officer or administrator with authority over such facility may consent and authorize a person to bring a firearm into the facility if that officer or administrator is present and an officer accompanies the person with the firearm. Law-enforcement and court officers conducting their official duties are not subject to the prohibition.

*Patron - Saslaw*

**FSB1019 Fraudulent application for a credit card.** Provides that any person who, for his own benefit and with

intent to defraud, makes application in writing for a credit card in the name of another is guilty of a Class 1 misdemeanor.

*Patron - Whipple*

**FSB1027 Extortion of immigrants; penalty.** Provides that any person who confiscates, withholds or threatens to withhold any actual or purported passport, immigration document, or other government identification document, and thereby extorts money, property, or pecuniary benefit or any note, bond, or other evidence of debt from him or any other person, is guilty of a Class 5 felony. This bill was incorporated into SB 815.

*Patron - O'Brien*

**FSB1048 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 10 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 provides 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 - Lucas*

**FSB1120 Trespass; knowledge that entry was forbidden.** Provides that a person who goes or remains upon residential property or conspires to go or remain upon such property and who knows or reasonably should have known that any resident of such property suffered a substantial personal, physical, mental, or emotional loss, injury, or trauma within the week preceding the entry upon the property is guilty of trespass or conspiring to trespass, regardless of whether the lack of permission to enter the property was communicated to him. Under current law, a person is only guilty of trespass or conspiring to trespass if he has been forbidden, either orally, in writing, or by posted sign, from going onto or remaining on such property.

*Patron - Cuccinelli*

**FSB1222 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 to or death of the other person.

*Patron - Puckett*

**FSB1224 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. The provisions of this bill, as they apply to governmental entities, become effective July 1, 2008.

*Patron - Howell*

**FSB1227 Extortion of immigrants; penalty.** Provides that any person who confiscates, withholds or threatens to withhold any actual or purported passport, immigration document, or other government identification document, and thereby extorts money, property, or pecuniary benefit or any note, bond, or other evidence of debt from him or any other person, is guilty of a Class 5 felony. This bill was incorporated into SB 815.

*Patron - Howell*

**FSB1233 Assault and battery; federal employees.** Adds United States government employees who qualify as conservators of the peace under Virginia law to the definition of law-enforcement officer in the assault and battery statute, so that the enhanced punishment will apply. The enhanced punishment is a Class 6 felony with a mandatory minimum term of six months versus a Class 1 misdemeanor.

*Patron - Obenshain*

**FSB1234 Manufacturing, selling, giving, distributing of methamphetamine; penalty.** Provides that, notwithstanding any other provision of law, any person who manufactures, sells, gives, distributes, or possesses with intent to manufacture, sell, give, or distribute 28 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers is guilty of a felony punishable by a fine of not more than \$500,000 and imprisonment for not less than five nor more than 40 years, three years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence. The bill also provides that, notwithstanding any other provision of law, any person who manufactures, sells, gives, distributes, or possesses with intent to manufacture, sell, give, or distribute 227 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers is guilty of a felony punishable by a fine of not more than \$1,000,000 and imprisonment for not less than five years nor more than life, five years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence. The bill will not become effective unless funding is appropriated.

*Patron - Obenshain*

**FSB1247 Family assault and battery; deferred finding.** Provides that a defendant who has received a deferred finding cannot appeal the underlying offense unless he withdraws his consent to the deferred finding within 10 days of the entry of the order and files a notice of appeal within 10 days of the order of conviction.

*Patron - Herring*

**FSB1262 Revocation of driver's license; notice.** Provides that, upon the conviction of a person driving after the forfeiture of his driver's license, the court shall suspend the person's license for an additional period of time in accordance with the provisions for administrative suspension and revocation set forth in §§ 46.2-389 and 46.2-391. The court shall also order the person to surrender his license upon conviction and to notify the person of the impending administrative suspension and revocation of his license. The court shall also notify the Department of Motor Vehicles of the conviction, the terms of the license suspension, and that notification of the administrative suspension had been given to the convicted person. The bill also provides that the court's notification to the convicted

person constitutes actual notice of the administrative revocation of his driver's license.

*Patron - Herring*

**FSB1364 Possession of firearms; child day center.** Prohibits the possession of a firearm at a child day center. Violation of this section would be a Class 1 misdemeanor. The provisions of this section would not apply to a law-enforcement officer or security guard while in the performance of his official duties.

*Patron - Howell*

**FSB1405 Inquiries into the exercise of constitutional rights; civil penalty.** Prohibits any person from inquiring of a minor or mentally incompetent person as to the exercise of constitutionally protected rights, such as the exercise of religion or the right to keep and bear arms, by the person's family or household for purposes of statistical development or to justify the provision of social services by a person not retained by the parent or legal guardian. A violation is subject to a civil penalty not to exceed \$100. The section provides for certain exemptions from the prohibition.

*Patron - Hanger*

## Criminal Procedure

### Passed

**PHB1793 Mental evaluation of a person convicted of a sexually abnormal offense.** Provides that a judge may order a defendant convicted of a sexually abnormal offense to be examined by a licensed clinical social worker if a psychiatrist or clinical psychologist is not reasonably available. The licensed clinical social worker must be certified as a sex offender treatment provider and qualified by experience and by specialized training approved by the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to perform such evaluations. Under current law, the evaluation would have to be performed by a psychiatrist or psychologist.

*Patron - Griffith*

**PHB1895 Judge sentencing and reports to the Sentencing Commission.** Requires a judge to file a written explanation of a decision to modify a jury sentence when the judge departs from the jury sentence or suspends imposition of sentence in whole or in part.

*Patron - Albo*

**PHB2029 Victim notification.** States that victim notification currently required by to be made by the Department of Corrections and local and regional jails may be made through the Virginia Statewide VINE (Victim Information and Notification Everyday) System or other similar electronic or automated system. This bill is identical to SB 972.

*Patron - Sherwood*

**PHB2076 Expungement of police and court records.** Requires the appellate court that grants a writ of actual innocence to forward a copy of the order to the circuit court, where an order of expungement shall be immediately granted.

*Patron - Armstrong*

**PHB2318 Jury sentencing proceeding.** Restates, to eliminate any possibility of confusion, the provision in current law that victim impact testimony may be presented at the sentencing proceeding. The bill also allows the prior criminal his-

tory and punishments imposed on the defendant for prior convictions to be presented to the jury (as opposed to current law, which allows "prior convictions"). This bill is identical to SB 1294.

*Patron - Welch*

**HB2349 Special conservators of the peace.** Provides that in the case of a corporation or business applicant, special conservators of the peace may, in addition to geographical limitations within the judicial circuit where the appointment is made, be granted authority in any real property owned or leased by the corporation or business, including any subsidiaries, in other specifically named cities or counties. The authority of such a special conservator of the peace, outside the geographical limitations within the judicial circuit where the appointment is made, is limited to the boundaries of such real property. This bill is identical to SB 1165.

*Patron - Sherwood*

**HB2361 Waiver on compensation cap for court-appointed attorneys.** Provides that court-appointed counsel, who are not public defenders, may request a waiver of the limitations on compensation up to certain specified additional amounts depending on the charges being defended when the effort expended, the time reasonably necessary for the representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver. The determination of whether to grant such a waiver shall be subject to guidelines issued by the Executive Secretary of the Supreme Court. In addition, for felony charges, counsel may request a waiver above the specified caps by the presiding judge who shall determine whether an additional waiver is justified. If the judge determines that the additional waiver is justified he forwards it to the Chief Judge of the Circuit Court for approval, which approval shall be contingent upon a certification of the Executive Secretary of the Supreme Court. If funds appropriated to pay for such waivers become insufficient, no further waivers shall be approved. The bill also provides that, in the event the defendant is convicted and a waiver of the compensation cap has been requested, the court shall only assess against the defendant an amount equal to the pre-waiver cap as a part of the costs of prosecution. This bill is identical to SB 1168.

*Patron - Putney*

**HB2364 Magistrates; criminal warrants.** Requires magistrates to deliver a copy of any criminal warrant issued at the request of a citizen to the attorney for the Commonwealth, if requested by the attorney for the Commonwealth. This bill is identical to SB 997.

*Patron - Scott, E.T.*

**HB2368 Compensation of experts in criminal cases.** Increases the maximum fee from \$400 to \$750 that the court may pay for professional services rendered by each psychiatrist, clinical psychologist or other expert appointed by the court to render professional service in a criminal case other than capital murder.

*Patron - Nutter*

**HB2369 Persons acquitted by reason of insanity.** Provides that the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services can designate a community services board or behavioral health authority other than the one serving the locality where the acquittee was acquitted to submit and receive reports and implement conditional release orders. The bill also adds, where omitted, the term "or behavioral health authority" wherever the term "community services board" appears. This bill is identical to SB 1104.

*Patron - Brink*

**HB2533 Criminal procedure; issuance of criminal warrants.** Authorizes a sheriff or his deputy to execute an arrest warrant in a town surrounded by the county that he serves, and to arrest someone committing a criminal act arising out of and during the execution of a warrant in a city or town surrounded by the county he serves. The venue for the prosecution of such crime lies in the jurisdiction where it occurred.

*Patron - Landes*

**HB2569 Tolling of speedy trial statute.** Provides that the tolling of the speedy trial law already in place during the pendency of a pre-trial appeal by the Commonwealth is extended by 60 days (following mandate by the appellate court) to allow for issuance of trial witness subpoenas by the Commonwealth.

*Patron - Shannon*

**HB2673 Sentencing jury; deadlock.** Provides for the empanelment of a new jury in the event of a deadlock in fixing punishment.

*Patron - Griffith*

**HB2759 Search warrant affidavits; delivery.** Allows affidavits for search warrants to be delivered in person or mailed by certified mail, return receipt requested.

*Patron - Hurt*

**HB2855 Execution of search warrants.** Allows an agent of the United States Department of Homeland Security and any inspector, law-enforcement official, or police personnel of the United States Postal Inspection Service to execute a search warrant in Virginia.

*Patron - Moran*

**HB2858 Local community-based probation services.** Makes numerous technical changes throughout the Code to update standard nomenclature for community probation services.

*Patron - Moran*

**HB2953 Administrative subpoena; electronic communication service and remote computing service providers.** Provides that attorneys for the Commonwealth have the authority to issue administrative subpoenas to obtain records and other information from electronic communication service and remote computing service providers if relevant to a legitimate law-enforcement investigation concerning child pornography and use of communications systems to facilitate certain sexual offenses with children. The bill provides a definition of what constitutes records and other information that may be obtained upon the issuance of an administrative subpoena. All records or other information received by attorneys for the Commonwealth may only be used for a reasonable period of time not to exceed 30 days. Upon completion of the investigation, the records or other information shall be destroyed if no prosecution is initiated. The bill also provides that a service provider may move to quash the administrative subpoena in any court of competent jurisdiction if the records or other information sought is unusually voluminous in nature or if compliance with the subpoena would cause an undue burden to the service provider.

*Patron - Bell*

**HB2959 Expungement of police and court records.** Requires the appellate court that grants a writ of actual innocence to forward a copy of the order to the circuit court, where an order of expungement shall be immediately granted. If a person has been granted an absolute pardon by the

Governor for a crime he did not commit and files a petition for expungement, the expungement is automatic.

*Patron - Bell*

**HB2980 Child pornography; seizure and forfeiture of equipment; bail.** Provides that all equipment and other personal property used in connection with the possession, production, distribution, publication, or sale of child pornography or in connection with solicitation of a minor for child pornography shall be subject to seizure and forfeiture. This bill also provides a person charged with violating § 18.2-374.1 (crimes involving child pornography) or § 18.2-374.3 (use of communications system to procure minors for various sexual offenses involving children) is rebuttably presumed ineligible for bail when the offender has reason to believe that the solicited person is a child under 15 years of age and the offender is at least five years older than the solicited person. This bill is identical to SB 1239.

*Patron - Bell*

**HB2981 Effect of dismissal of criminal charges.** States that dismissal of a criminal charge by a court does not bar subsequent prosecution of the charge unless jeopardy attached at the earlier proceeding or unless the dismissal order explicitly states that the dismissal is with prejudice.

*Patron - Janis*

**HB2991 Public defenders; duties.** Clarifies that the public defenders are responsible for managing their offices and that assistants do not have the same managerial authority. The bill also mirrors § 19.2-163.01, clarifying the role of the Indigent Defense Commission as supervisory. Finally, the bill removes the language requiring representation of indigent prisoners in habeas cases.

*Patron - Melvin*

**HB3034 DNA analysis and data bank; collection of DNA samples.** Provides that the Department of Forensic Science shall, on a weekly basis, provide to the Local Inmate Data System (LIDS) the most current information submitted to the DNA data bank that it maintains regarding persons who are required to submit a blood, saliva, or tissue sample for DNA analysis pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2, as well as removing from LIDS and the data bank persons who are no longer eligible to be in the data bank. The Department of Forensic Science and the Department of Corrections shall, on a quarterly basis, compare the databases of offenders under the custody or supervision of the Department of Corrections with the DNA data bank and, if a person is not identified in the DNA data bank, the Department of Corrections shall require the person to submit a DNA sample. The bill also provides that a person who is required to submit a DNA sample is not relieved from the requirement to submit a DNA sample because a sample was not taken or, if taken, because a sample cannot be located in the DNA data bank. The fee for taking a DNA sample may be charged only one time regardless of the number of samples taken. The bill also provides that prior to or upon sentencing, the clerk of court is responsible for reviewing LIDS to determine whether a DNA sample has been submitted if the clerk has electronic access to LIDS in the courtroom. If electronic access is not available, or if the clerk determines that no DNA sample is stored in the DNA data bank, the court shall order that person required to submit a DNA sample to appear within 30 days to allow a sample to be taken by the sheriff or probation officer. If the person required to submit a sample fails to appear, the sheriff or probation officer shall report this failure to the court. The bill also provides that probation and parole officers, community-based probation programs, and sheriffs and regional jailers are required to review LIDS upon intake and again prior to dis-

charge of an offender who is required to submit a DNA sample to determine whether a sample has been taken. If it is determined that no DNA sample has been taken, then the person shall be required to submit a sample for DNA analysis. Probation and parole officers are also required to take a DNA sample or verify that a DNA sample has been submitted to the DNA data bank for every offender accepted pursuant to the Interstate Compact for the Supervision of Adult Offenders (§ 53.1-176.1 et seq.) who has been convicted of an offense that would be considered a felony if committed in Virginia. Probation and parole officers in cases involving juvenile offenders who are required to submit a DNA sample for analysis pursuant to § 16.1-299.1 also must determine whether a sample has been taken by reviewing LIDS upon intake and again prior to discharge and, if no sample has been taken, shall require the offender to submit a DNA sample for analysis. The bill also provides that the Department of Juvenile Justice shall verify that a DNA sample for an offender has been received by the Department of Forensic Science and, if no sample has been received, notify the court which shall then order that a sample be submitted for DNA analysis. The use of a DNA sample contained in the data bank that was taken or retained in good faith does not invalidate the use of the sample and any detention, arrest, or conviction of a person resulting from the use of the sample shall not be invalidated. The bill also provides that the Secretary of Public Safety shall review the procedures for the collection of DNA samples and submit a status report by November 1, 2007 to the Chairmen of the House Appropriations Committee, the Senate Finance Committee, the House Committee for Courts of Justice, and the Senate Committee for Courts of Justice.

*Patron - Bell*

**HB3041 Conservators of the peace; municipal park rangers.** Makes sworn municipal park rangers conservators of the peace.

*Patron - BaCote*

**SB800 Criminal history record information.** Provides that the requirement that the person on whom the data is being obtained consent under oath to a request for his criminal history record information does not apply if an employer or prospective employer makes a written request and the person on whom the data is being obtained consented in writing and presented a photo-identification to the employer.

*Patron - Ruff*

**SB873 Criminal procedure; collection of unpaid fines and costs.** Authorizes private attorneys and collection agencies, pursuant to an agreement with the Commonwealth, to be given access to a defendant's social security number to assist in the collection effort of unpaid fines, costs, forfeitures, and penalties. Also subjects such private attorneys to the identity theft provisions in § 18.2-186.3.

*Patron - McDougale*

**SB874 Speedy trial.** Specifies that statutory speedy trial provisions apply to an adult whose preliminary hearing is held in any district court.

*Patron - McDougale*

**SB877 Issuance of witness summonses by criminal defense counsel.** Provides that the attorney for the defendant may issue a witness summons.

*Patron - McDougale*

**SB880 Expungement of police and court records.** Provides for an automatic expungement if a conviction has been vacated pursuant to a writ of actual innocence and

requires that electronic records be included in the expungement.

*Patron - Deeds*

**SB943 Indigent Defense Commission.** Gives the authority for securing office space for public defenders to the executive director of the Commission and allows for the delegation of certain powers and duties to the deputy executive director in the absence of the executive director.

*Patron - Quayle*

**SB972 Victim notification.** States that victim notification currently required by to be made by the Department of Corrections and local and regional jails may be made through the Virginia Statewide VINE (Victim Information and Notification Everyday) System or other similar electronic or automated system. This bill is identical to HB 2029.

*Patron - Howell*

**SB997 Magistrates; criminal warrants.** Requires magistrates to deliver a copy of any criminal warrant issued at the request of a citizen to the attorney for the Commonwealth, if requested by the attorney for the Commonwealth. This bill is identical to HB 2364.

*Patron - Houck*

**SB1103 Insane defendants; restoration of competency.** Updates provisions on the qualifications and procedures of a competency evaluator. Clarifies the role of the director of the community services board or behavioral health authority in restoring the competency of a defendant who is receiving treatment on an outpatient basis. The bill also provides that the director is to make and receive reports regarding the competency of the defendant.

*Patron - Puller*

**SB1104 Persons acquitted by reason of insanity.** Replaces certain language throughout Chapter 11.1 of Title 19.2 and adds, where omitted, the term "or behavioral health authority" wherever the term "community services board" appears. This bill is identical to HB 2369.

*Patron - Puller*

**SB1134 Petition for release of acquittee.** Provides that only when a motion for release from custody is made by the person acquitted by reason of insanity shall the court order an evaluation by a psychiatrist and psychologist. Currently, this is required when the petition is by either the acquittee or the Commissioner of DMHMRSAS. The bill further provides that the court may order a further evaluation if it deems further evaluation necessary.

*Patron - Lambert*

**SB1165 Special conservators of the peace.** Provides that in the case of a corporation or business applicant, special conservators of the peace may, in addition to geographical limitations within the judicial circuit where the appointment is made, be granted authority in any real property owned or leased by the corporation or business, including any subsidiaries, in other specifically named cities or counties. The authority of such a special conservator of the peace, outside the geographical limitations within the judicial circuit where the appointment is made, is limited to the boundaries of such real property. This bill is identical to HB 2349.

*Patron - Stolle*

**SB1168 Waiver on compensation cap for court-appointed attorneys.** Provides that court-appointed counsel, who are not public defenders, may request a waiver of the limitations on compensation up to certain specified additional

amounts depending on the charges being defended when the effort expended, the time reasonably necessary for the representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver. The determination of whether to grant such a waiver shall be subject to guidelines issued by the Executive Secretary of the Supreme Court. In addition, for felony charges, counsel may request a waiver above the specified caps by the presiding judge, who shall determine whether an additional waiver is justified. If the judge determines that the additional waiver is justified he forwards it to the Chief Judge of the Circuit Court for approval, which approval shall be contingent upon a certification of the Executive Secretary of the Supreme Court. If funds appropriated to pay for such waivers become insufficient, no further waivers shall be approved. The bill also provides that, in the event the defendant is convicted and a waiver of the compensation cap has been requested, the court shall only assess against the defendant an amount equal to the pre-waiver cap as a part of the costs of prosecution. This bill is identical to HB 2361.

*Patron - Stolle*

**SB1177 Compensation for crime victims.** Increases the maximum amount that can be paid out for a claim under the Criminal Injuries Compensation Fund from \$15,000 to \$25,000.

*Patron - Stolle*

**SB1189 Court-appointed counsel; qualifications.** Clarifies the requirements to be met for qualification as a court-appointed attorney by setting out each type of case and listing the requirements. The bill also specifically lists requalification requirements, including a requirement that the Indigent Defense Commission provide information on MCLE programs that have been approved by the Commission.

*Patron - Reynolds*

**SB1192 Interpreters for non-English-speaking persons.** Provides that the court may assess as part of the costs taxed to the defendant the costs of any interpreter appointed for the defendant when the defendant fails to appear for trial and is convicted of a failure to appear and the interpreter appears in the case and no other case on the date the defendant is convicted.

*Patron - Reynolds*

**SB1195 Criminal history record information.** Allows criminal history record information to be disseminated to the Department of Medical Assistance Services or its designee for the purpose of screening individuals who provide transportation services to enrollees in Medicaid, FAMIS, or other programs administered by the Department.

*Patron - Reynolds*

**SB1207 Criminal history check for providers of services to adults.** Allows public agencies when and as required to do so by federal or state law to investigate criminal history record information of (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis. The bill also allows local boards of social services to obtain, in emergency circumstances, such information from a criminal justice agency.

*Patron - Hanger*

**SB1223 Expungement of police and court records.** Provides for an automatic expungement if a conviction has been vacated pursuant to a writ of actual innocence and requires that electronic records be included in the expungement. The bill also provides that an expungement order is voidable upon motion and notice made within three years of the

entry of the order where the court or parties failed to strictly comply with statutory provisions or the court enters an order of expungement contrary to law.

*Patron - McDougle*

**SB1239 Child pornography; seizure and forfeiture of equipment; bail.** Provides that all equipment and other personal property used in connection with the possession, production, distribution, publication, or sale of child pornography or in connection with solicitation of a minor for child pornography shall be subject to seizure and forfeiture. This bill also provides a person charged with violating § 18.2-374.1 (crimes involving child pornography) or § 18.2-374.3 (use of communications system to procure minors for various sexual offenses involving children) is rebuttably presumed ineligible for bail when the offender has reason to believe that the solicited person is a child under 15 years of age and the offender is at least five years older than the solicited person. This bill is identical to HB 2980.

*Patron - Obenshain*

**SB1294 Jury sentencing proceeding.** Restates, to eliminate any possibility of confusion, the provision in current law that victim impact testimony may be presented at the sentencing proceeding. The bill also allows the punishments imposed on the defendant for prior convictions to be presented to the jury. This bill is identical to HB 2318.

*Patron - Norment*

**SB1357 Administrative subpoena; electronic communication service and remote computing service providers.** Provides that attorneys for the Commonwealth have the authority to issue administrative subpoenas to obtain records and other information from electronic communication service and remote computing service providers if relevant to a legitimate law-enforcement investigation concerning child pornography and use of communications systems to facilitate certain sexual offenses with children. The bill provides a definition of what constitutes records and other information that may be obtained upon the issuance of an administrative subpoena. All records or other information received by attorneys for the Commonwealth may only be used for a reasonable period of time not to exceed 30 days. Upon completion of the investigation, the records or other information shall be destroyed if no prosecution is initiated. The bill also provides that a service provider may move to quash the administrative subpoena in any court of competent jurisdiction if the records or other information sought is unusually voluminous in nature or if compliance with the subpoena would cause an undue burden to the service provider.

*Patron - Obenshain*

## Failed

**HB1656 Interpreters for non-English-speaking persons.** Requires the interpreter fee for a non-English-speaking defendant to be assessed as costs if the defendant is found guilty.

*Patron - Lohr*

**HB1694 Five dollar court fee to increase pay of magistrates.** Provides that any county or city may, by ordinance, assess a sum of no more than \$5 as part of the costs in any criminal or traffic case in which the defendant is convicted of a violation of any statute or ordinance. Proceeds of these assessments shall be used to supplement the fixed compensation of magistrates.

*Patron - Callahan*

**HB1773 Issuance of warrants against law-enforcement officers.** Provides that no arrest warrant shall be issued upon a complaint by a citizen without the prior approval of the local attorney for the Commonwealth, if the accused is a law-enforcement officer or public school employee and the alleged offense occurred while the accused was in the performance of his official duties.

*Patron - Cosgrove*

**HB1776 Appeal from order denying bail or fixing terms of bond or recognizance.** Provides that upon motion by the attorney for the Commonwealth, the court may stay the order granting a criminal defendant bail or terms of recognizance pending an appeal by the Commonwealth.

*Patron - Cosgrove*

**HB1901 Preliminary hearing required for person accused of a felony.** Provides that a person who is arrested on a charge of felony or indicted by a grand jury on a charge of a felony prior to arrest shall be entitled to a preliminary hearing upon the question of whether there is reasonable ground to believe that he committed the offense. Currently, a preliminary hearing is available only when the person is arrested on the charge and not when he is indicted.

*Patron - Albo*

**HB1903 No fees for an appeal from an order granting, setting, or denying bail.** Provides that no fee shall be charged for filing an appeal from an order granting, setting, or denying bail. This bill was incorporated into HB 2992.

*Patron - Albo*

**HB1966 Evidence of similar crimes in sexual assault and child sexual abuse cases.** Provides that in a criminal case in which the defendant is accused of an offense of sexual assault or child sexual abuse, evidence of the defendant's commission of another like offense or offenses is admissible, and may be considered for its bearing on any matter to which it is relevant. The bill also extends admission of this evidence to civil cases.

*Patron - Lewis*

**HB2111 Interpreters for non-English-speaking persons.** Requires that the fees for interpreters for non-English-speaking persons be taxed as costs in the district and circuit courts. This bill was incorporated into HB 3096.

*Patron - Carrico*

**HB2184 Indictment of a law-enforcement officer.** Provides that when a law-enforcement officer is alleged to have committed a criminal offense involving excessive use of force while on duty, he shall be formally accused of the crime by indictment only.

*Patron - Miller, P.J.*

**HB2204 Impanelling a special grand jury.** Alters the burden slightly for the impanelling of a special grand jury by the attorney for the Commonwealth by changing the burden from a request by the attorney for the Commonwealth made to the circuit court to a motion before the circuit court and for good cause shown.

*Patron - Wardrup*

**HB2254 Definition of victim.** For purposes of determination of crime victim compensation eligibility from the Criminal Injuries Compensation Fund, victim is defined to include a victim of stalking.

*Patron - Waddell*

**HB2322 Criminal procedure; admission to bail.**

Adds a presumption, subject to rebuttal, against admitting to bail any person charged with a felony who is identified as being present in the United States illegally.

*Patron - Gilbert*

**HB2330 Jury sentencing proceeding.** Restates, to eliminate any possibility of confusion, the provision in current law that victim impact testimony may be presented at the sentencing proceeding. This bill was incorporated into HB 2318.

*Patron - Gilbert*

**HB2333 Jury sentencing; prior convictions.** Provides that, for the purpose of jury sentencing, prior convictions shall include complete sentencing information such as terms of incarceration imposed, other punishments received, any records of suspended sentences and of probation and parole. Current case law defines "prior conviction" to exclude anything but a record of the conviction alone. This bill was incorporated into HB 2318.

*Patron - Gilbert*

**HB2423 Criminal juror information confidential.**

Provides that any personal information concerning a member of a jury in a criminal trial shall be sealed by the court at the conclusion of the trial and shall be released only upon motion for good cause shown, with restrictions upon its use and further dissemination as may be deemed appropriate by the court.

*Patron - Griffith*

**HB2424 Criminal juror information confidential.**

Provides that any personal information concerning a member of a jury in a criminal trial shall be sealed by the court and shall be released only upon motion for good cause shown, with restrictions upon its use and further dissemination as may be deemed appropriate by the court.

*Patron - Griffith*

**HB2448 Verification of citizen status.**

Requires that a jailer shall reasonably attempt to verify the citizen status of certain persons who are confined in jail and that the Department of Corrections shall issue guidelines for such verifications. The bill also requires the Virginia State Bar to investigate the practice of providing legal advice to illegal immigrants and to establish related guidelines on unauthorized practice of law.

*Patron - Frederick*

**HB2480 Bail bondsman; collateral.** Prohibits the use of real property as collateral for a bond written by a bail bondsman.

*Patron - Crockett-Stark*

**HB2584 Marijuana field test as evidence.**

Provides that in any case in which a person is accused of possession of marijuana, he or his attorney of record may request a full chemical analysis of the alleged plant material by motion (i) within 60 days after arrest or, (ii) for good cause shown, at any time prior to trial, before the court in which the charge is pending. Without such request, a field analysis of the material is deemed sufficient evidence. Currently, such request is available (without the requirement of good cause shown) at any time prior to trial. This bill was incorporated into HB 2760.

*Patron - Janis*

**HB2592 Conviction of second or subsequent violent sex offense; penalty.** Establishes unequivocally that prior convictions of certain violent sex crimes against victims under the age of 13 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*

**HB2747 Persons issued summons; fingerprints and photograph.** Provides that when an arresting officer detains a person for a violation for which a summons may be issued, that person must provide valid proof of his identity and address or the officer may take the person's photograph and fingerprints in order to verify the person's identity.

*Patron - Hall*

**HB2760 Notice of right to receive full marijuana analysis.**

Provides that if the defendant requests full laboratory analysis of marijuana 10 days prior to trial and if it is unavailable at trial, the defendant's remedy is a continuance. Field analysis of marijuana is admissible at trial. Full lab analysis is available to the defendant if he requests it. Currently, such request may be made pursuant to notice provided "prior to trial."

*Patron - Hurt*

**HB2790 Criminal procedure; right to examine person performing analysis.**

Provides that if the defendant requests the presence of the person as a witness who performed any laboratory analysis or examination or was involved in the chain of custody, his remedy, if the person is unavailable for trial, is a continuance.

*Patron - Gilbert*

**HB2895 Dissemination of criminal history record information; litter control officers.** Grants special conservators of the peace employed by a county and who enforce state and local litter laws access to criminal history record information.

*Patron - Phillips*

**HB2936 Arrest of illegal aliens.**

Provides that all law-enforcement officers enumerated in § 19.2-81 shall have the authority to enforce immigration laws of the United States, and to arrest an individual without a warrant upon receiving confirmation from the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security that the individual is an alien illegally present in the United States. Currently the person arrested would also have to have been previously convicted of a felony in the United States and deported or left the United States after such conviction. This bill was incorporated into HB 1970.

*Patron - Miller, J.H.*

**HB2943 Misdemeanor summons.**

Gives a law-enforcement officer the choice of issuing a summons and releasing the person or arresting him for Class 1 and 2 misdemeanors. Under current law the law-enforcement officer must release the person on a summons for most Class 1 and 2 misdemeanors unless the person fails to stop the unlawful act or indicates that he will not appear as directed in the summons. The bill also requires the officer to arrest the person if he fails to stop the unlawful act; currently arrest is discretionary.

*Patron - Miller, J.H.*

**HB2965 Notice by clerk to counsel regarding certificates of analysis.**

Requires that, in the event that a request for a copy of a certificate of analysis to be used as evidence in a criminal case is filed by counsel for the defendant with the clerk with respect to a case that is before the court but for which the certificate has not yet been received by the clerk, the clerk shall advise the requester that he must resubmit the

request after the certificate has been received in order for such request to be effective.

*Patron - Bell*

**HB2966 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 may also be delegated to local bonding agencies as desired. Additionally, the bill states that any collection fees for delinquent restitution payments shall be paid by the defendant. Any restitution installment plan payments more than 40 days in default are to be voided.

*Patron - Bell*

**HB2983 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*

**HB2992 Appeal bonds.** Clarifies that fees or costs shall not be assessed or collected for any appeal from an order denying bail or fixing terms of bond or recognizance. This bill is a recommendation of the Committee on District Courts. This bill was incorporated into HB 2061.

*Patron - Melvin*

**HB3038 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. This bill was incorporated into HB 2318.

*Patron - Scott, E.T.*

**HB3051 Debt collection by attorneys for the Commonwealth.** Allows a private attorney or collection agency under contract to an attorney for the Commonwealth for the collection of fines, costs, forfeitures, penalties, and restitution to have access to Department of Motor Vehicles records for the purpose of locating individuals owing money to the Commonwealth.

*Patron - Miller, P.J.*

**HB3096 Local fee for interpreters for non-English-speaking persons.** Allows any locality to provide by ordinance for the imposition of a fee on any person convicted under any criminal statute or ordinance if such person was provided an interpreter paid for by the locality.

*Patron - Lohr*

**HB3107 Appointment of special conservators of the peace.** Requires that a circuit judge appoint a special conservator of the peace upon a showing by the sheriff, chief of police, or corporation authorized to do business in the Commonwealth that there is a necessity for the security of property or of the peace, and that the person or persons to be appointed possess a valid registration with the Department of Criminal Justice Services.

*Patron - Lingamfelter*

**HB3110 Criminal history record information dissemination.** Provides that criminal history information may be provided to any nonprofit entity that provides a centralized credentialing service as defined in § 8.01-581.17 and that, in accordance with that section, any such nonprofit entity may disseminate criminal history record information to those hospitals and organizations that utilize its service.

*Patron - Janis*

**HB3146 Discovery; duty to provide police reports.** Provides that the attorney for the Commonwealth shall have a duty to provide copies of police reports and other similar information to the defendant, if unrepresented, or his attorney within three days after the information is received.

*Patron - Gear*

**HB3206 Criminal procedure, admission to bail; persons not lawfully present in the United States; presumption.** Adds a presumption, subject to rebuttal, against admitting to bail any person who commits a felony while not lawfully present in the United States. Requires judicial officers, to the extent feasible, to verify with the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security prior to a bail hearing whether a person is a citizen or is otherwise lawfully present in the United States. This bill was incorporated into HB 2322.

*Patron - Caputo*

**SB748 Criminal background checks; fingerprinting.** Provides that programs of religious instruction may obtain full, fingerprint-based criminal background checks for prospective employees.

*Patron - Puller*

**SB828 Magistrate salaries; local fee.** Allows any county or city to assess \$5 as part of the costs in each criminal or traffic case in which the defendant is convicted of a violation of any statute or ordinance. Proceeds of these assessments shall be used to add to the fixed compensation of magistrates.

*Patron - Devolites Davis*

**SB952 Criminal jurors; disqualifications.** Prohibits relatives and persons with an employment relationship to the accused, any alleged victim of the accused, the attorney for the Commonwealth and court officers and employees from serving on the accused's jury.

*Patron - Quayle*

**SB965 Forensic mental health examinations.** Raises from \$400 to \$750 the cap on expert compensation for a mental health examination in criminal cases other than capital murder.

*Patron - Puller*

**SB1049 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 - Lucas*

**SB1066 Appeal from order denying bail or fixing terms of bond or recognizance.** Provides that when there exists a rebuttable presumption against bail pursuant to § 19.2-120 and the court issues an order granting bail or conditions of recognizance, then upon motion by the attorney for the Commonwealth, the court shall stay the order, pending appeal by the Commonwealth.

*Patron - McDougale*

**SB1127 Magistrates; issuance of warrants.** Amends provision that prohibits magistrates from issuing any warrant or process in complaint of certain relatives of the magistrate, to provide that in counties with a population between 56,000 and 57,000 according to the 2000 U.S. Census (York County) the magistrate may issue a warrant or process if the

relative is a law-enforcement officer acting within the scope of his official duties.

*Patron - Norment*

**FSB1173 Appeal bonds.** Clarifies that fees or costs shall not be assessed or collected for any appeal from an order denying bail or fixing terms of bond or recognizance. This bill is a recommendation of the Committee on District Courts. This bill was incorporated into SB 825.

*Patron - Stolle*

**FSB1221 Community-based corrections programs; community service.** Provides that a person committed to Boot Camp Incarceration Programs, Detention Center Incarceration Programs, or Diversion Center Incarceration Programs shall receive credit toward the completion of any community service he was ordered to perform as part of his sentence for any community service performed during his commitment.

*Patron - Puckett*

**FSB1319 Special conservators of the peace; barrier crimes.** Amends provision that prohibits a person from being a special conservator of the peace if they have any firearms conviction to provide that the conviction must be a Class 1 misdemeanor to prevent the person from being a conservator. Existing law includes all firearms misdemeanors. The provision that any felony is a barrier remains unchanged.

*Patron - Puckett*

**FSB1355 Driving while intoxicated; plea agreements.** Provides that, in a case brought pursuant to § 18.2-266 (driving while intoxicated), which resulted in physical injury to a victim, an attorney for the Commonwealth shall not enter into a plea agreement with a defendant that would allow the defendant to plead guilty to an offense not related to his intoxication without the consent of the victim.

*Patron - O'Brien*

**FSB1380 Victims' rights; restorative mediation.** Provides that the victim of a criminal offense may request mediation with the defendant prior to the final disposition in the defendant's case. If mediation is conducted, the results of the mediation and the victim's statement of needs shall be presented to the court by the mediator prior to the sentencing hearing. The bill also provides that the Director of the Department of Corrections shall maintain a system for victim-offender mediation in the state correctional facilities. Such mediation shall be conducted upon the request of the victim and upon the agreement of both parties.

*Patron - Locke*

**FSB1421 Criminal procedure; admission to bail; persons not lawfully present in the United States; presumption.** Adds a presumption, subject to rebuttal, against admitting to bail any person who commits a felony while not lawfully present in the United States. Requires judicial officers, to the extent feasible, to verify with the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security prior to a bail hearing whether a person is a citizen or is otherwise lawfully present in the United States.

*Patron - Herring*

## Domestic Relations

### Passed

**PHB2830 Revocation of death benefits by divorce; federal preemption.** Provides that, in the event that federal preemption causes a person to, not for value, receive any death benefit to which he is not entitled under § 20-111.1 (revocation of death benefits by divorce or annulment), the improper recipient shall be liable for the amount received to the person who would have received the benefit had the statute not been preempted.

*Patron - Gilbert*

**PSB945 Income deduction order; remitting payments.** Provides that all income deduction orders for support payments require that all employers with at least 100 employees and payroll processing firms with at least 50 clients remit payments under such orders via electronic funds transfer.

*Patron - Quayle*

**PSB948 Pendente lite spousal support; guidelines.** Establishes a statewide formula to be used by courts to calculate the presumptive amount of an award of pendente lite spousal support. Courts still have the discretion to deviate from the presumptive amount calculated under this formula for good cause shown as well as after consideration of the factors used in determining a spousal support award, other than pendente lite spousal support, set forth at § 20-107.1. The bill caps the application of this formula to cases where the parties' combined gross monthly income does not exceed \$10,000.

*Patron - Quayle*

### Failed

**PHB1660 Premarital agreements; contents.** Provides that parties to premarital and postmarital agreements may agree to abide by stricter standards before seeking a no-fault divorce under subdivision A (9) of § 20-91 on the grounds of living separate and apart.

*Patron - Marshall, R.G.*

**PHB1662 Child custody; consideration of marital fault.** Provides that the circumstances that contributed to the dissolution of a marriage must be considered as a factor in determining the best interests of a child for purposes of awarding custody or visitation.

*Patron - Marshall, R.G.*

**PHB1664 Equitable distribution; factors.** Clarifies that marital fault is a factor that must be considered in equitably dividing property in a divorce action regardless of whether such fault did or did not have an adverse economic impact on the marriage.

*Patron - Marshall, R.G.*

**PHB2056 Child custody and visitation; parenting plans.** Requires preparation of parenting plans in any actions involving custody or visitation of a minor child. The parenting plan specifies the allocation of parenting responsibilities and establishes a parenting time schedule. The bill also provides that a court shall determine whether a proposed parenting plan is in the best interests of the child before approving the plan. If the parents cannot reach an agreement as to a plan, the court shall proceed to determine custody and visitation.

*Patron - McQuigg*

**HB2445 Issuance of marriage license; waiting period.** Requires that 72 hours elapse between an application for a marriage license and its issuance.

*Patron - Frederick*

**HB2511 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.*

**HB2798 Grounds for divorce.** Provides that parties with minor children cannot obtain a no-fault divorce under subdivision A (9) of § 20-91 when either party files a written objection to the granting of a divorce pursuant to that subdivision.

*Patron - Marshall, R.G.*

**HB2862 Grounds for divorce; family abuse.** Provides that a conviction of either party for assault and battery against a family member or for violating a protective order prohibiting family abuse shall constitute an immediate ground for divorce. Current law provides that a conviction for a felony where the convicted party is sentenced to confinement for more than one year constitutes an immediate ground for divorce.

*Patron - Moran*

**HB2957 Child custody; joint physical custody.** Establishes a presumption that an award of joint legal and physical custody is in the best interests of the child and that such an award should be made in all custody cases where feasible.

*Patron - Bell*

**HB3163 Child support; incarcerated obligor.** Provides that a court shall recalculate the child support obligation of an obligor who is incarcerated during the support period, the recalculation being retroactive to the date of incarceration. This bill also provides that prisoners and minor obligors are exempt from various fees and costs that may be collected by the Department of Social Services in enforcing support obligations. This bill further provides that reductions in the child support arrearages owed by prisoners and minor obligors should be granted for timely payments of support. Preference for placement in work programs will be given to otherwise qualified prisoners who have child support obligations.

*Patron - BaCote*

**SB737 Admissibility of mental health care records in custody and visitation cases.** Repeals the current law which provides that in any case in which custody or visitation of a child is at issue, the mental health records concerning a parent shall be privileged and confidential and the mental health care provider may not be required to testify on behalf of or against a parent or any of the parent's adult relatives.

*Patron - Cuccinelli*

**SB919 Mandatory dispute resolution; custody, visitation, and child support.** Provides that parties in cases involving custody, visitation, and child support must be referred to and must attend a dispute resolution orientation session. This bill is a recommendation of the Boyd Graves Conference.

*Patron - Howell*

**SB937 Child support; incarcerated obligor.** Provides that a court shall recalculate the child support obligation of an obligor who is incarcerated during the support period, the recalculation being retroactive to the date of incarceration. This bill also provides that prisoners and minor obligors are exempt from various fees and costs that may be collected by the Department of Social Services in enforcing support obligations. This bill further provides that reductions in the child support arrearages owed by prisoners and minor obligors should be granted for timely payments of support.

*Patron - Ticer*

**SB947 Child custody arrangements.** Requires parties in custody cases to submit a custody implementation plan prior to the entry of a custody order by the court. If the parties cannot reach an agreement as to a plan, eight hours of mandatory mediation shall be ordered and, if still no agreement is reached, the court shall determine a custody plan. This bill also provides that physical custody of a child should be shared equally between the parties to the extent that such an arrangement is feasible and is in the child's best interests.

*Patron - Quayle*

**SB1036 Child custody; virtual visitation.** Provides that the courts may order virtual visitation through the use of various electronic communication equipment, if the equipment is reasonably available, although such visitation can only be used to supplement, and not replace, actual visitation. The bill also provides that the amount of virtual visitation ordered is not a factor in determining child support and that the availability of virtual visitation cannot be a factor in determining whether a custodial parent is permitted to relocate with the child.

*Patron - O'Brien*

## Education

### Passed

**HB1707 Local school boards; contractors.** Provides that as a condition of awarding a contract for the provision of services that require the contractor or his employees to have direct contact with students on school property during regular school hours, the school board must require the contractor to provide certification that all employees who will have direct contact with students have not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child. The bill also provides that the requirement be waived in emergency situations when it is reasonably anticipated that the contractor or his employees will have no direct contact with students. This bill is identical to SB 1346.

*Patron - Lingamfelter*

**HB1810 Local school boards; tie vote procedure.** Authorizes any popularly elected school board to appoint a qualified voter who is a resident of the county, city, or town to cast the deciding vote in case of a tie vote of the school board.

*Patron - Dance*

**HB1913 Virginia Teaching Scholarship Loan Program; revisions.** Revises and reorganizes the section to make it consistent with language in the general appropriation act. The bill revises the intent of the Program, so that it is established to (i) increase the number of teacher candidates pursuing careers in critical teacher shortage areas, as defined by the Board of Education; (ii) expand eligibility to teacher candi-

dates, including graduate students and paraprofessionals, enrolled full-time or part-time in approved teacher education programs; and (iii) increase diversity of persons pursuing careers in teaching, including male teacher candidates enrolled in elementary or middle school education programs and minority teacher candidates enrolled in any teaching endorsement area. The bill also eliminates the Diversity in Teaching Initiative, as it has not been funded.

*Patron - Ward*

**HB1916 Family life education.** Requires the Board of Education to incorporate instruction on dating violence and the characteristics of abusive relationships into its curriculum guidelines for family life education.

*Patron - Ward*

**HB1920 School bus safety hotline.** Provides that local school boards may display decals relating to local school division bus safety hotlines. Local school divisions must bear the cost of such decals.

*Patron - Peace*

**HB1962 Due process; students with disabilities.** Provides that due process procedures prescribed by the Board of Education must require that testimony be given under oath or affirmation administered by the hearing officer. This bill is identical to SB 847.

*Patron - O'Bannon*

**HB1978 Standard 4; local school board reporting.** Requires local school boards to include in their annual report to the Board of Education, the number of career and technical education completers that graduated. The bill defines a "career and technical education completer" as a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program. This bill incorporates HB 2026 and is identical to SB 1148.

*Patron - Lohr*

**HB2039 Technical diploma; established.** Directs the Board of Education to establish the requirements for a technical diploma. The diploma must meet or exceed the requirements of a standard diploma and include a concentration in career and technical education. This bill is identical to SB 1147.

*Patron - Hamilton*

**HB2092 Regulations concerning admission of certain persons to schools; tuition charges.** Eliminates the requirement that a student must have been attending a public school in the Commonwealth while residing with his custodial parent prior to the parent's deployment outside the United States in order to attend school without paying tuition. The bill clarifies that children of parents who have been deployed outside the United States may continue to attend school in the Virginia school division they attended immediately prior to the deployment without paying tuition. The bill eliminates the conflict between § 22.1-3 and § 22.1-5.

*Patron - Tata*

**HB2214 Childhood obesity.** Requires the Superintendent of Public Instruction and the State Health Commissioner to work together to combat childhood obesity and other chronic health conditions that affect school-age children. This bill is identical to SB 974.

*Patron - Armstrong*

**HB2216 Driver education programs and fees.** Provides that the Board of Education may authorize a local school

board's request to assess a surcharge in order to further recover program costs that exceed state funds distributed through basic aid to school divisions offering driver education programs.

*Patron - Amundson*

**HB2271 School crisis, emergency management, and medical emergency response plans.** Requires that local school boards annually review the written school crisis, emergency management, and medical emergency response plans and that the local division certify that review in writing to the Virginia Center on School Safety no later than August 31 of each year.

*Patron - Ebbin*

**HB2302 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 - Cole*

**HB2311 Public Charter School Fund.** Establishes the Public Charter School Fund for the purposes of establishing or supporting public charter schools in the Commonwealth. The Board of Education must establish criteria for making distributions from the Fund to a public charter school requesting moneys from the Fund.

*Patron - Lingamfelter*

**HB2350 Literary Fund.** Provides that a school board's application to the Board of Education for a loan from the Literary Fund must be authorized by the governing body and the school board. The Board may not disburse any proceeds of any approved loan before its receipt of the concurrent approval of the governing body at the time of initial disbursement and an acceptable opinion of bond counsel obtained by the local governing body as to the validity of the loan. The bill also repeals §§ 22.1-154 through 22.1-157, that provide for: (i) the examination of title to property on application for loan, (ii) the certificate of the clerk of court or copy of lease on the application for a loan, and (iii) the submission of the application and certificate of title to the Attorney General.

*Patron - Tata*

**HB2371 Management of funds for a joint school; fiscal agent.** Authorizes the participating school boards of a joint school, including academic year Governor's Schools operated by two or more school divisions, to select the fiscal agent for the joint school from among the treasurers of the participating localities. The participating school boards must agree and the respective local governing bodies must approve any such selection. This bill contains an emergency clause.

*Patron - Tata*

**HB2542 No Child Left Behind.** Requires the Board of Education to request a waiver from those provisions of NCLB that are fiscally and programmatically burdensome to school divisions and are not instructionally sound or in the best interest of children. This bill is identical to SB 1212.

*Patron - Landes*

**HB2601 Board of Education; commemoration of Veterans Day.** Requires the Board of Education to make information available to local school divisions regarding the commemoration of Veterans Day.

*Patron - Plum*

**HB2627 Department of Correctional Education; literacy program.** Raises the standard of the functional literacy program from the eighth grade level to the twelfth grade or GED level. The bill also requires the program to include a stra-

tegic plan for encouraging enrollment in college or an accredited vocational training program or other accredited continuing education program.

*Patron - Reid*

**HB2628 Board of Correctional Education; composition.** Requires the Governor to endeavor to select qualified appointees for the Board of Correctional Education. Modifies the ex officio membership of the Board by removing the chairman of the Virginia Parole Board and adding the Assistant Superintendent for Special Education and Student Services in the Department of Education and the Chancellor of the Virginia Community College System. Also, the bill allows ex officio members to designate someone to serve in their place. A second enactment clause ensures that notwithstanding the provisions of the bill, members appointed prior to July 1, 2007 will serve until the expiration of their terms.

*Patron - Reid*

**HB2631 Student records; disclosure.** Provides that school personnel are authorized to disclose identifying information from a student's education records for the purpose of furthering the ability of the juvenile justice system to effectively serve the student prior to adjudication. Identifying information may be disclosed to attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff of such agencies. This bill is identical to SB 915.

*Patron - Reid*

**HB2837 Public education; George Washington's birthday.** Requires the Department of Education to make information available to local school divisions regarding the commemoration of George Washington's birthday.

*Patron - Amundson*

**HB2893 Student information; public schools, public institutions of higher education.** Authorizes public schools and public institutions of higher education in Virginia to retain copies of enrolled students' birth certificates as part of the students' records.

*Patron - Phillips*

**HB3191 Department of Correctional Education; online learning.** Empowers the Board of Correctional Education to develop programs to provide restricted Internet access to online secondary education or adult education and literacy programs leading to a diploma or the General Education Development (GED) program and testing.

*Patron - McClellan*

**SB751 Civics education diploma seal.** Clarifies that the Board of Education must include the types of activities that qualify as community service and the number of hours required in its criteria for voluntary participation in community service or extracurricular activities.

*Patron - Williams*

**SB795 Standards of Quality; changes in provisions.** Provides for the phasing out of the eighth grade cumulative history test in the 2007-2008 school year, and the implementation of the United States History to 1877, United States History: 1877 to the Present, and Civics and Economics tests in the 2008-2009 school year. Adds effective classroom management to the listing of professional development programs to be provided to teachers and principals. Requires local school divisions to post a current copy of the school division policies, including the Student Conduct Policy, on the local

division's website while ensuring that printed copies of such policies are available, as needed, to citizens who do not have Internet access. Makes technical changes to Standards 1, 3, 4, 5, 6, and 7 of the Standards of Quality.

*Patron - Potts*

**SB847 Special education; due process procedure.** Requires testimony given during due process procedures developed by the Board of Education to be sworn. This bill is identical to HB 1962.

*Patron - Lambert*

**SB902 Salary of school board members.** Increases the annual salary of members of the Northampton County School Board from \$1,800 to \$3,000.

*Patron - Rerras*

**SB915 Student records; disclosure.** Provides that the principal or his designee may disclose identifying information from a pupil's scholastic record for the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. Identifying information may be disclosed to attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff of such agencies. This bill is identical to HB 2631.

*Patron - Lambert*

**SB974 Childhood obesity.** Requires the Superintendent of Public Instruction and the State Health Commissioner to work together to combat childhood obesity and other chronic health conditions that affect school-age children. This bill incorporates SB 744 and is identical to HB 2214.

*Patron - Edwards*

**SB1147 Technical diploma; established.** Directs the Board of Education to establish the requirements for a technical diploma. The diploma must meet or exceed the requirements of a standard diploma and include a concentration in career and technical education. The bill is identical to HB 2039.

*Patron - Wagner*

**SB1148 Standard 4; local school board reporting.** Requires local school boards to include in their annual report to the Board of Education, the number of career and technical education completers that graduated. The bill defines a "career and technical education completer" as a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program. This bill is identical to HB 1978.

*Patron - Wagner*

**SB1212 No Child Left Behind.** Requires the Board of Education to continue seeking waivers from the provisions of NCLB that are fiscally and programmatically burdensome and are not instructionally sound or in the best interest of children. Also requires the Board to report on the status of all such waivers by October 1, 2007; this report is to be transmitted to the Virginia Congressional delegation for its consideration in the reauthorization of the Elementary and Secondary Education Act. The Board must make a recommendation regarding Virginia's continued implementation of such Act and if the Commonwealth withdraws from NCLB, the bill allows the Board and Office of the Attorney General of Virginia to bring suit against the United States Department of Education if fed-

eral funds are inappropriately withheld as a result of the withdrawal. This bill is identical to HB 2542.

*Patron - Hanger*

**SB1346 Local school boards; contractors.** Provides that as a condition of awarding a contract for the provision of services that require the contractor or his employees to have direct contact with students on school property during regular school hours, the school board must require the contractor to provide certification that all employees who will have direct contact with students have not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child. The bill also provides that the requirement be waived in emergency situations when it is reasonably anticipated that the contractor or his employees will have no direct contact with students. This bill is identical to HB 1707.

*Patron - Newman*

## Failed

**HB1442 Graduation requirements; standard diploma.** Expands the requirements for earning a standard diploma to include a career and technical education two credit sequence of courses. This bill was incorporated into HB 2039.

*Patron - Nutter*

**HB1617 Education; expenditures and reports on instructional spending.** Requires each local school division to allocate 65% 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% requirement must present a plan to the Board of Education to increase instructional spending by 0.5% 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%. 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*

**HB1636 Kindergarten programs.** Expands the eligibility for kindergarten in school divisions implementing pre-kindergarten or transitional first grade programs, to include children whose fifth birthday occurs between October 1 and June 30, rather than the current cutoff of December 31.

*Patron - McClellan*

**HB1702 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 to incorporate within the real estate indicator of local wealth the land-use taxation value for those properties within a land-use plan. 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%, with adjusted gross income weighted at 40%, and taxable retail sales weighted at 10%, as indicators of local wealth.

*Patron - Lingamfelter*

**HB1719 Health services; local school boards.** Requires local school boards to employ one licensed nurse for each school. This bill was incorporated into HB 2479.

*Patron - Lewis*

**HB1727 Local school board; student organizations.** Requires that local school boards either provide notice and an opportunity for parents or legal guardians to opt their children out of participation in any school-sponsored club or organization or require the prior express written permission of parents or legal guardians to be filed with the school before any student may be a member of a school-sponsored club. This bill incorporates HB 3047.

*Patron - Lohr*

**HB1737 Local school boards; safety hotline established.** Directs local school boards to establish a division safety hotline for students, parents, or school personnel to anonymously report specific threats of imminent violence or other suspicious or criminal conduct.

*Patron - Fralin*

**HB1752 Local school boards; unexpended funds.** Provides that any funds appropriated by the locality to a local school board that are not expended in any fiscal year must not revert to the locality but shall be reappropriated to the local school board.

*Patron - Marshall, R.G.*

**HB1875 Waiver of Standards of Learning requirements for certain students.** Requires that the Standards of Learning requirements and all related assessments must be waived for any student enrolled in an advanced placement class at the high school level who scores three or above on the advanced placement test for that subject.

*Patron - Caputo*

**HB1884 Public school funds.** Provides that any locality may, by ordinance, assess impact fees for residential development when the locality determines that existing school facilities in such locality are inadequate to support new residential development, provided that the school board of a school division comprising such locality adopts, prior to any such assessment, a resolution declaring that such school facilities are inadequate to support such new residential development. The locality shall make such determination at the time of submission of a plat or plan, or a preliminary plat or plan where preliminary plats or plans are required, and fees shall be assessed no later than at the time the building permit is issued. Prior to any assessment of impact fees, the locality shall have in place a capital improvement program that provides a reasonable basis for determining the extent or level of inadequacy of such school facilities in the area of the proposed residential development. Any fee assessed shall represent a pro rata share of the costs of reasonable and necessary capital improvements attributable to the proposed residential development. A locality may only assess impact fees under this bill against persons constructing five or more residential structures per calendar year in such locality.

*Patron - Marshall, R.G.*

**HB1891 Composite index of local ability to pay.** Provides that a locality whose composite index exceeds 0.5000 must be considered as having an index of 0.5000 for purposes of distributing all payments based on the composite index.

*Patron - Albo*

**HB2026 Standards of Quality; Standard 4.** Requires school boards to annually report to the Board of Edu-

cation the number of graduating career and technical education completers and to include this information as a category on the School Performance Report Card. This bill was incorporated into HB 1978.

*Patron - Sherwood*

**FHB2093 Standards of Quality; changes in provisions.** Revises the instructional personnel provisions to require that local school boards employ: (i) one full-time reading specialist for each 1,000 students in average daily membership for the school division; (ii) one full-time principal in every elementary, middle, and high school; (iii) one full-time assistant principal for each 600 students in every elementary, middle, and high school; (iv) one speech-language pathologist for every 60 cases; (v) one full-time mathematics specialist for each 1,000 students in grades kindergarten through eight; (vi) one full-time data manager or test coordinator for each 1,000 students in grades kindergarten through 12; and (vii) instructional and paraprofessional staff for the blind or vision impaired. Provides for the phasing out of the eighth grade cumulative history test in the 2007-2008 school year, and the implementation of the United States History to 1877, United States History: 1877 to the Present, and Civics and Economics tests in the 2008-2009 school year. Adds effective classroom management to the listing of professional development programs to be provided to teachers and principals. Requires local school divisions to post a current copy of the school division policies, including the Student Conduct Policy, on the local division's website while ensuring that printed copies of such policies are available, as needed, to citizens who do not have Internet access. Makes technical changes to Standards 1, 2, 3, 4, 5, 6, and 7 of the Standards of Quality.

*Patron - Tata*

**FHB2104 Standards of Quality; Standard 1; gifted education programs.** Requires the identification of students in kindergarten and throughout the public school grades for enrollment in gifted education programs. Students who demonstrate exceptional intellectual aptitude, or specific aptitude in mathematics, the sciences, English language, history or social studies, technical and practical arts, or visual or performing arts, in accordance with Board of Education standards, must be enrolled in gifted education programs. School boards must either meet or exceed the standards established by the Board.

*Patron - Ware, R.L.*

**FHB2151 School administrators; licensure.** Revises the qualifications for school administrators so that the only licensure necessary for such positions is a collegiate professional license.

*Patron - Poisson*

**FHB2166 Education; expenditures and reports on instructional spending.** Requires each local school division to allocate 67% 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 67% requirement must present a plan to the Board of Education to increase instructional spending by 0.5% 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 67%. 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 - Cline*

**FHB2194 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*

**FHB2199 Standards of Quality; Standard 2.** Eliminates the requirement for school boards to employ one full-time technology support position per 1,000 students in grades kindergarten through 12 and one full-time instructional technology resource teacher per 1,000 students in grades kindergarten through 12.

*Patron - Wardrup*

**FHB2268 Local school boards; policies regarding certain activities.** Allows local school boards to develop and implement policies regarding the acceptance by a teacher, or other employee of a local school board, of an award or payment in honor of meritorious or exceptional services performed by the teacher or employee.

*Patron - Ebbin*

**FHB2278 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*

**FHB2473 Literary Fund; distributions.** Raises the maximum limit for any loan from the Literary Fund from \$7.5 million to \$12 million.

*Patron - Crockett-Stark*

**FHB2479 Health services; local school boards.** Requires local school boards to employ one licensed nurse for each school building and each nurse shall serve no more than 750 students.

*Patron - Crockett-Stark*

**FHB2549 Student contact information privacy.** Requires 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 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 deny consent to release directory information concerning their child or to 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*

**HB2556 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.

*Patron - Frederick*

**HB2564 Standards of Quality; Standard 1; gifted education programs.** Requires local school boards to identify and enroll students gifted in general intellectual aptitude or specific academic aptitude in mathematics, the sciences, the English language, and history or the social sciences. This bill provides that school boards must determine whether to offer identification and enrollment of students gifted in general intellectual aptitude or students gifted in specific academic aptitude, or identification and programs for both groups of students. Further, the bill states that school boards may provide identification and differentiated instructional programs for students gifted in technical and practical arts, or visual or performing arts aptitude. For students in kindergarten and at every grade level through 12th grade, school boards are required to identify gifted students and enroll them in appropriate programs, in accordance with standards established by regulations of the Board of Education. School boards must either meet or exceed the standards established by the Board.

*Patron - Ware, R.L.*

**HB2613 Standards of Quality; Standard 2; pupil-teacher ratios.** Reduces the current pupil-teacher ratio in kindergarten from an average daily membership of 24:1 to 21:1 and in grades one, two, and three from 24:1 to 20:1. 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 in grades six through 12.

*Patron - Watts*

**HB2657 Local school board policies; teacher harassment.** Requires local school boards to develop and implement policies by January 1, 2008, to ensure that parents are encouraged to participate in their children's education in ways that do not unnecessarily harass teachers, principals, administrators, or other school employees.

*Patron - Marsden*

**HB2847 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 high-quality instructional personnel in the public schools.

*Patron - Moran*

**HB2851 Board of Education; Children's Services Ombudsman.** Directs the Board of Education to appoint for each local school division a Children's Services Ombudsman as a resource for parents of special needs children, for the purpose of resolving and mediating complaints regarding any activity, practice, policy, or procedure of any program operated by a local school board affecting the health, safety, welfare, or rights of any school-age special needs child. The bill also contains an exemption from the Freedom of Information Act for investigations conducted by the Ombudsmen.

*Patron - Moran*

**HB2883 Teacher experience credit.** Requires local school boards to grant one year of teaching experience credit to licensed teachers for each year of active-duty military service for which teachers are granted credit under the provisions of the Virginia Retirement System.

*Patron - Phillips*

**HB2903 Safety belts in school buses.** Requires school buses purchased by, or for use by, any school or school division on or after January 1, 2008, 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 school bus driver, wear belts or harnesses or both whenever the bus is in motion.

*Patron - Spruill*

**HB2932 Public school; proof of immigration status.** Adds that the person enrolling a pupil for the first time must present other proof of actual citizenship or immigration status, if there is no certified copy of a birth certificate or affidavit explaining the absence of a certified copy of a birth certificate. If it is determined that the child was born outside of the United States, a parent of the child must present evidence of his own actual citizenship or immigration status. Requires (i) each school to submit an annual report to the Board of Education listing all of the immigration information obtained; and (ii) the Board of Education to submit an annual report to the Secretary of Education regarding the impact of the quality of education provided to children who are lawful residents of Virginia, because of the enrollment of children who are not lawfully present in the United States.

*Patron - Miller, J.H.*

**HB3047 Local school boards; school-sponsored clubs.** Provides that prior to a student participating in a school-sponsored club, local school boards must notify the parent and require that the written permission of a parent or legal guardian be filed with the school. This bill was incorporated into HB 1727.

*Patron - Cole*

**HB3172 Waiver of Standards of Learning requirements for certain students.** Requires that the Standards of Learning requirements and all related assessments must be waived for any student enrolled in an advanced placement class at the high school level who scores three or above on the advanced placement test for that subject.

*Patron - Hugo*

**SB744 Childhood obesity.** Requires the Board of Education, in cooperation with the State Health Department, to promulgate regulations establishing standards to facilitate the prevention and reduction of childhood obesity in the public schools. The bill also requires school boards to include nutrition and physical education in its professional development programs and requires that a body mass index (BMI) measurement be taken for every student entering a public kindergarten or elementary school for the first time. The bill also allows school boards to continue to annually monitor student BMIs, with regulations developed by the Board of Education. This bill was incorporated into SB 974.

*Patron - Miller*

**SB759 Tuition Assistance Grant Program for Students with Disabilities; established.** Establishes a tuition assistance grant program for students with disabilities. The program provides grants of no more than \$10,000 a year to a Virginia nonsectarian private school of choice for students

with disabilities for whom an individual education plan has been written. The bill requires that in order to receive the grant the following conditions be satisfied: (i) the student has attended a public school in the Commonwealth and has received special education services for at least one year prior to the receipt of the grant; (ii) the parent has obtained acceptance for admission of the student to an eligible private school; (iii) the parent has requested the grant of the Superintendent of Public Instruction and notified the division superintendent of that request; and (iv) the parent has executed and submitted to the division superintendent a written statement asserting his dissatisfaction with the student's progress and acknowledging that the public school has offered or implemented an individualized educational program that is reasonably calculated to provide educational benefit. The Board of Education is required to promulgate regulations to administer the Grant Program within 280 days of enactment.

*Patron - Stosch*

**FSB863 At-risk students; afterschool programs.**

Allows local school boards to establish afterschool programs designed to prevent at-risk youth from engaging in illegal or gang-related activities for students who attend elementary, middle, or high schools. To be eligible to attend one of these programs, a student must be enrolled in a public school in the relevant school division. State and local funds appropriated for educational purposes may be used to support such programs.

*Patron - Miller*

**FSB1038 Data on convictions of certain crimes; public school contract employees.** Requires school boards to obtain certification, from a contractor or employee of a contractor, that all employees who will have direct unsupervised contact with students (i) have 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) have not been convicted of a misdemeanor involving actual or threatened harm to any person or property, or of any offense listed in subsection G of §16.1-260, prior to awarding a contract for services requiring direct unsupervised contact with students. The bill also provides that the requirement be waived in emergency situations where it is reasonably anticipated that the contractor or his employees will have no direct contact with students. This bill was incorporated into SB 1346.

*Patron - O'Brien*

**FSB1075 Literary Fund; amount of loans.** Increases the loan amount available to a school division that, in the interest of efficiency, consolidates two or more existing schools into one new school building. The division shall then be eligible for a separate loan for each school being consolidated.

*Patron - Ruff*

**FSB1197 Board of Education regulations; eliminating trans fats.** Requires the Superintendent of Public Instruction to develop guidelines with the goal of eliminating foods containing trans fatty acids from public schools. The gradual elimination shall begin with their elimination from vegetable oils used in school cafeterias. The final goal shall be to eliminate trans fats in all (i) foods sold as part of the official school breakfast and lunch programs, (ii) foods sold in vending machines on school grounds, and (iii) competitive foods sold during school hours.

*Patron - Edwards*

**FSB1213 Standards of Quality; Standard 1; gifted education programs.** Requires the identification of students in kindergarten and throughout the public school grades for enrollment in gifted education programs. Students who demonstrate exceptional intellectual aptitude, or specific aptitude in

mathematics, the sciences, English language, history or social studies, technical and practical arts, or visual or performing arts, in accordance with Board of Education standards, must be enrolled in gifted education programs. School boards must either meet or exceed the standards established by the Board.

*Patron - Hanger*

**FSB1243 Composite index of ability to pay.** Authorizes each locality whose K through 12 student membership growth has exceeded five percent for any two of the three most recently ended years to elect to have its composite index of local ability to pay reduced by 10% for the current year. The locality would receive its state share of basic aid based on the reduced composite index, and the additional amount required for the state share for basic aid would be paid from general funds of the Commonwealth that are not otherwise designated for public education.

*Patron - Herring*

**FSB1276 Character education; humane education.** Adds that humane education, including compassion and responsibility in the treatment of companion animals, may be covered in character education programs.

*Patron - Whipple*

**FSB1338 Standards of Quality; Standard 1; gifted education programs.** Requires local school boards to identify and enroll students gifted in general intellectual aptitude or specific academic aptitude in mathematics, the sciences, the English language, and history or the social sciences. This bill provides that school boards must determine whether to offer identification and enrollment of students gifted in general intellectual aptitude or students gifted in specific academic aptitude, or identification and programs for both groups of students. Further, the bill states that school boards may provide identification and differentiated instructional programs for students gifted in technical and practical arts, or visual or performing arts aptitude. For students in kindergarten and at every grade level through 12th grade, school boards are required to identify gifted students and enroll them in appropriate programs, in accordance with standards established by regulations of the Board of Education. School boards must either meet or exceed the standards established by the Board.

*Patron - McDougale*

**FSB1419 Tuition Assistance Grant Program for Students with Disabilities; established.** Establishes a tuition assistance grant program for students with disabilities. The program provides grants of no more than \$10,000 a year to a Virginia nonsectarian private school of choice for students with disabilities for whom an individual education plan has been written. The bill requires that in order to receive the grant the following conditions be satisfied: (i) the student has attended a public school in the Commonwealth and has received special education services for at least one year prior to the receipt of the grant; (ii) the parent has obtained acceptance for admission of the student to an eligible private school; (iii) the parent has requested the grant of the Superintendent of Public Instruction and notified the division superintendent of that request; and (iv) the parent has executed and submitted to the division superintendent a written statement asserting his dissatisfaction with the student's progress and acknowledging that the public school has offered or implemented an individualized educational program that is reasonably calculated to provide educational benefit. The Board of Education is required to promulgate regulations to administer the Grant Program within 280 days of enactment.

*Patron - Stosch*

## Educational Institutions

### Passed

**HB1681 Two-Year College Transfer Grant Program.** Establishes the Two-Year College Transfer Grant Program for the purpose of providing higher education grants of up to \$2,000 per year to domiciles of Virginia who have successfully completed an acceptable associate degree program at a public two-year institution of higher education. The State Council of Higher Education (SCHEV) must promulgate necessary and appropriate regulations for its administration. To be eligible to receive a grant, a student must (i) have received an associate degree at a Virginia two-year public institution of higher education, (ii) have enrolled in a Virginia four-year public or private institution of higher education by the fall following the award of the associate degree, (iii) have applied for financial aid, and (iv) have financial need. Eligibility is limited to three academic years or 70 credit hours. This bill is identical to SB 749.

*Patron - Callahan*

**HB1740 Board of Visitors of the University of Virginia.** Authorizes the board of visitors of the University of Virginia to invest and manage nongeneral fund reserves and balances as well as local funds of or held by the University. Exempts members of the board of visitors from personal liability for losses suffered by investment of nongeneral fund reserves and balances or local funds of or held by the University. The bill also exempts the investment and management of nongeneral fund reserves and balances and local funds of or held by the University from the Virginia Public Procurement Act. Finally, the bill allows the nongeneral fund reserves and balances and local funds of or held by the University to be invested or reinvested in derivatives, options, and financial securities. An enactment clause clarifies that the University shall not invest revenues from tuition and educational fees that are used or required for the day-to-day operations of the University in other than cash accounts and fixed income securities.

*Patron - Fralin*

**HB1822 Reduced tuition; certain members of the military.** Provides that any active duty members, activated guard or reservist members, or guard or reservist members mobilized or on temporary active orders for six months or more, that are either stationed or assigned by their military service to a work location in Virginia, and residing in Virginia, shall pay tuition to the public institution of higher education in which they are enrolled an amount no more than the amount covered by their military service Tuition Assistance program or the institution's in-state tuition rate, whichever is greater.

*Patron - Suit*

**HB1996 In-state tuition; dependents of certain military personnel.** Clarifies the eligibility for in-state tuition for dependents of certain military personnel.

*Patron - Suit*

**HB2114 In-state tuition; reciprocity.** Requires the governing board of the Virginia Community College System to grant in-state tuition to any person enrolled in one of the System's institutions who lives out of state, but within a 30-mile radius of a Virginia community college, provided his state of residence has a reciprocal arrangement for Virginia residents. This bill is identical to SB 755.

*Patron - Carrico*

**HB2154 Higher Education; private and out-of-state institutions of higher education.** Defines "continuing or professional education." This bill is identical to SB 1279.

*Patron - Tata*

**HB2179 Virginia Military Survivors and Dependents Education Program.** Revises the Virginia Military Survivors and Dependents Education Program to clarify that qualified survivors and dependents shall be admitted to any public institution of higher education or other public accredited postsecondary institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in the Commonwealth of Virginia, free of tuition and all required fees. Establishes the Virginia Military Survivors and Dependents Education Fund to provide financial assistance for board and room charges, books and supplies, and other expenses. The State Council of Higher Education for Virginia is responsible for disbursing funds appropriated or otherwise made available to support the Fund. There are several technical amendments. This bill incorporates HB 2282 and HB 2630 and is identical to SB 1044.

*Patron - Janis*

**HB2236 Radford University; board of visitors.** Expands the number of members to be appointed by the Governor to the Radford University board of visitors from 11 to 15 and provides that appointments for the new seats are either three- or four-year terms, but that all successors must be appointed for four-year terms. The bill also removes obsolete language. This bill is identical to SB 1162.

*Patron - Nutter*

**HB2342 The Miller School of Albemarle.** Eliminates the provision of the Act that provides for members of the Board of Trustees of the Miller School to be appointed. All members shall now be elected by the Board according to its bylaws.

*Patron - Abbitt*

**HB2408 Higher education; articulation agreements.** Requires the State Council of Higher Education for Virginia to 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 from the Virginia Community College System that each institution of higher education admitted, enrolled, and graduated.

*Patron - Athey*

**HB2438 Eligibility for in-state tuition; dependents of active duty personnel.** Expands the eligibility for in-state tuition to dependents of active duty military personnel assigned to a permanent duty station in a state contiguous to Virginia or the District of Columbia, but who reside in Virginia. This bill incorporates HB 1971.

*Patron - Frederick*

**HB2513 Economic education and financial literacy programs at institutions of higher education.** Expands the subjects that may be covered in student life skills programs to include savings and investments, predatory lending practices and interest rates, consumer fraud, and identity theft and protection.

*Patron - Jones, D.C.*

**HB3018 Old Dominion University; Virginia Beach Higher Education Center.** Authorizes the board of visitors of Old Dominion University to offer graduate, and lower and upper level undergraduate courses of study at the Virginia Beach Higher Education Center. The bill contains an emer-

agency enactment clause making the bill effective upon passage, and a sunset clause providing that the bill must expire July 1, 2007.

*Patron - Tata*

**HB3021 Private institutions of higher education benefits consortium.** Authorizes five or more private educational institutions to form a benefits consortium for the purpose of establishing a self-funded employee welfare benefit plan. The benefits consortium will be a nonstock corporation that will operate a benefits plan to be governed by and subject to the provisions of the federal Employee Retirement Income Security Act of 1974. The benefits consortium will be exempt from taxation and from insurance regulations.

*Patron - Hamilton*

**HB3064 Institutions of higher education; policies.** Directs the governing boards of each public institution of higher education to develop and implement policies that advise students, faculty, and staff, including residence hall staff, of the proper procedures for identifying and addressing the needs of students that exhibit suicidal tendencies or behavior.

*Patron - Eisenberg*

**SB749 Two-Year College Transfer Grant Program.** Establishes the Two-Year College Transfer Grant Program for the purpose of providing higher education grants of up to \$2,000 per year to domiciles of Virginia who have successfully completed an acceptable associate degree program at a public two-year institution of higher education. The State Council of Higher Education (SCHEV) must promulgate necessary and appropriate regulations for its administration. To be eligible to receive a grant, a student must (i) have received an associate degree at a Virginia two-year public institution of higher education, (ii) have enrolled in a Virginia four-year public or private institution of higher education by the fall following the award of the associate degree, (iii) have applied for financial aid, and (iv) have financial need. Eligibility is limited to three academic years or 70 credit hours. This bill is identical to HB 1681.

*Patron - Stosch*

**SB755 In-state tuition; reciprocity.** Requires the governing board of the Virginia Community College System to grant in-state tuition to any person enrolled in one of the System's institutions who lives out of state, but within a 30-mile radius of a Virginia community college, provided his state of residence has a reciprocal arrangement for Virginia residents. This bill is identical to HB 2114.

*Patron - Wampler*

**SB1044 Virginia Military Survivors and Dependents Education Program.** Clarifies that qualified survivors and dependents who have been admitted to a public institution of higher education must be admitted free of tuition and all required fees. Establishes the Virginia Military Survivors and Dependents Education Fund to provide financial assistance for board and room charges, books and supplies, and other expenses. The State Council of Higher Education for Virginia is responsible for disbursing funds appropriated or otherwise made available to support the Fund. This bill is identical to HB 2179.

*Patron - O'Brien*

**SB1162 Radford University; board of visitors.** Expands the number of members to be appointed by the Governor to the Radford University board of visitors from 11 to 15 and provides that appointments for the new seats are either three or four year terms, but that all successors must be

appointed for four year terms. The bill also removes obsolete language.

*Patron - Bell*

**SB1187 Waiver of tuition for children and spouses of certain public safety personnel.** Includes the spouses and children of members of the Virginia National Guard or members of the Virginia State Defense Force killed in the line of duty among the beneficiaries entitled to free undergraduate tuition and the payment of required fees at any public institution of higher education in Virginia.

*Patron - Blevins*

**SB1279 Higher education; private and out-of-state institutions of higher education.** Defines "continuing or professional education." This bill is identical to HB 2154.

*Patron - Whipple*

**SB1425 Hampton University; amending incorporation.** Amends the Act of Assembly incorporating Hampton University to expand the purpose of the University.

*Patron - Williams*

## Failed

**HB1643 Higher education; intellectual diversity.** Requires each public institution of higher education to annually report to the State Council of Higher Education for Virginia (SCHEV) the steps the institution is taking to ensure intellectual diversity and the free exchange of ideas. SCHEV must compile the information and report to the General Assembly by December 31 of each year.

*Patron - Landes*

**HB1805 Higher education; access for Virginia domiciles.** Requires that beginning with the first-time entering freshman class of the fall 2008 academic year, the governing body of a Virginia four-year public institution of higher education must give preference in admissions to Virginia domiciles when the Virginia domicile is equally qualified relative to non-resident applicants of states that have enacted legislation giving preference to the state's domiciles over equally qualified applicants from other states.

*Patron - Poisson*

**HB1844 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 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 3.0 grade point averages while enrolled as undergraduates are eligible to participate in the program. Eligibility is limited to two academic years or the equivalent number of credit hours.

*Patron - Saxman*

**HB1872 Community College Transfer Scholarship Program.** Establishes the Community College Transfer

Scholarship program, to be administered by the State Council of Higher Education for Virginia, for the purpose of providing higher education scholarships to Virginia domiciles 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 scholarship 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 scholarships for up to three academic years or 70 credit hours. The amount of scholarships 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 average cost of such tuition and fees at a public institution of higher education, as determined by the State Council for Higher Education for Virginia. This bill was incorporated into HB 1681.

*Patron - Caputo*

**HB1961 Admission of unlawful aliens to public institutions of higher education.** Provides that an alien who is unlawfully present in the United States shall not be eligible for initial enrollment in any public institution of higher education in the Commonwealth. This bill was incorporated into HB 2623.

*Patron - Hargrove*

**HB1971 Eligibility for in-state tuition; dependents of active duty personnel.** Expands the eligibility for in-state tuition to dependents of active duty military personnel assigned to a permanent duty station outside Virginia, but who reside in Virginia. This bill was incorporated into HB 2438.

*Patron - Amundson*

**HB2042 Private institutions of higher education benefits consortium.** Authorizes five or more private educational institutions to form a benefits consortium for the purpose of establishing a self-funded employee welfare benefit plan. The benefits consortium will be a nonstock corporation that will operate a benefits plan that will be governed by and be subject to the provisions of the federal Employee Retirement Income Security Act of 1974. The benefits consortium will be exempt from taxation and from insurance regulations.

*Patron - Hamilton*

**HB2130 Virginia Mathematics, Science, and Technology Education Grant Program.** Creates the Virginia Mathematics, Science, and Technology Education Grant Program for the purpose of providing higher education grants to domiciles of Virginia who are enrolled in a qualified undergraduate or graduate degree program identified by the State Council of Higher Education for Virginia (SCHEV). SCHEV 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 a qualified program approved by SCHEV; (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 or graduate degree and to continue such employment in the Commonwealth for at least four years. The bill is contingent on funding in the appropriation act.

*Patron - Hugo*

**HB2134 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% of students admitted and enrolled at the institution be Virginia domiciles.

*Patron - Hugo*

**HB2152 Virginia College Savings Program; annual report.** Eliminates the requirement that the State Council of Higher Education must annually prepare a financial analysis of future higher education expenses for the Department of Taxation to distribute.

*Patron - Tata*

**HB2168 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 was incorporated into HB 1681.

*Patron - Cline*

**HB2169 In-state tuition and educational benefits for unlawful aliens.** 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. This bill was incorporated into HB 2623.

*Patron - Cline*

**HB2238 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 emphasis on biological systems and nanotechnology, to support Virginia industry; (iii) directing the disbursement of funds for such research initiatives based on established scientific criteria from the Academic Research Initiative Fund created pursuant to this section; and (iv) 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*

**HB2282 Virginia Military Survivors and Dependents Education Program.** Clarifies that qualified survivors

and dependents shall receive an education free of (i) tuition and all required fees; (ii) institutional charges; (iii) general or college fees, or any charges by whatever term referred to; (iv) board and room rent; and (v) charges for books and supplies at any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in the Commonwealth of Virginia. This bill was incorporated into HB 2179.

*Patron - Watts*

**HB2306 Public institutions of higher education; operational authority.** Provides operational authority for public institutions of higher education in the areas of information technology and procurement pursuant to the Restructuring Act of 2005.

*Patron - Callahan*

**HB2407 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 a 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 1681.

*Patron - Athey*

**HB2436 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 a 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 1681.

*Patron - Frederick*

**HB2509 College Partnership Laboratory Schools.** Establishes college partnership laboratory schools for the purpose of stimulating the development of innovative public edu-

cation 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.*

**HB2590 Tuition and fees waiver; military survivors and public safety personnel.** Clarifies that qualified survivors and dependents shall receive an education free of (i) tuition and all required fees; (ii) institutional charges; (iii) general or college fees, or any charges by whatever term referred to; (iv) board and room rent; and (v) charges for books and supplies at any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in the Commonwealth of Virginia.

*Patron - Janis*

**HB2604 Waiver of tuition for children and spouses of certain public safety personnel.** Amends the provisions of the Code allowing the spouse and children of certain deceased public safety personnel to attend a Virginia state-supported institution of higher education free of tuition and fees. If the spouse or children are entitled to benefits under the Line of Duty Act, then they are also entitled to the tuition waiver. The tuition waiver program is currently drawn more narrowly than the Line of Duty Act.

*Patron - Jones, D.C.*

**HB2623 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 1961, HB 2169, and HB 2935.

*Patron - Reid*

**HB2630 Virginia Military Survivors and Dependents Education Program.** Revises the Virginia Military Survivors and Dependents Education Program to clarify that qualified survivors and dependents shall be admitted to any public institution of higher education or other public accredited postsecondary institution of higher education granting a degree, diploma, or certificate in the Commonwealth of Virginia, free of tuition and all required fees. Establishes the Virginia Military Survivors and Dependents Education Fund to provide financial assistance for board and room charges, books and supplies, and other expenses. The State Council of Higher Education for Virginia is responsible for disbursing funds appropriated or otherwise made available to support the Fund. There are several technical amendments. This bill was incorporated into HB 2179.

*Patron - Reid*

**HB2856 Community College Transfer Grant Program.** Establishes the Community College Transfer Grant Program 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. The State Council of Higher Education for Virginia (SCHEV) must promulgate necessary and appropriate regulations for its administration. To be eligible to receive a grant, the student must: (i) have maintained a cumulative grade point average of at least 3.0 on a scale of 4.0 or its equivalent while enrolled in an associate degree program at a Virginia commu-

nity college, (ii) have applied for financial aid, and (iii) have financial need, defined by having a family income of equal to or less than 150% of Virginia median family income, or 150% of the median family income of his home locality, whichever is greater. The amount of the award will be based on either the difference between the cost of tuition paid by the recipient at a Virginia community college and the cost of such tuition at the public 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. This bill was incorporated into HB 1681.

*Patron - Moran*

**HB2935 In-state tuition and educational benefits for unlawful aliens.** 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. This bill was incorporated into HB 2623.

*Patron - Miller, J.H.*

**HB3020 Foster Care Scholarship Program.** Creates the Foster Care Scholarship Program to provide scholarships for eligible students who are aging out of the foster care system. To be eligible, students must be (i) domiciled residents of Virginia, (ii) recipients of foster care services at the time of their graduation from high school, (iii) graduates from a public or private high school with a cumulative grade point average of at least 3.0 on a scale of 4.0, and (iv) good citizens, as defined by regulation of the State Council of Higher Education for Virginia.

*Patron - Ward*

**HB3145 In-state tuition and fees.** Provides a waiver of tuition and required fees for certain public safety personnel.

*Patron - Poisson*

**HB3193 V. Earl Dickinson Tuition Assistance Grant Act.** Renames and establishes the Tuition Assistance Grant (TAG) Act as the V. Earl Dickinson Tuition Assistance Grant Act in honor of the late former Delegate V. Earl Dickinson.

*Patron - Hull*

**HB3201 Removal of students from classes.** Requires parental notification when a student, including a student with an Individual Education Plan, has been denied instructional services as a result of being removed from class for two or more consecutive days.

*Patron - Cox*

**SB786 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 appropriations act passed by the 2007 Session, which becomes law.

*Patron - Stosch*

**SB891 Reduced in-state tuition rates for children of faculty and staff.** Requires the board of visitors of each public two-year and four-year institution of higher education to provide reduced in-state tuition rates for the children of faculty and staff members employed by the institution, effective for the 2008-2009 academic year. This bill was incorporated into SB 982.

*Patron - Deeds*

**SB892 Faculty representative to the State Council of Higher Education.** Requires the Governor to appoint a non-voting faculty representative to the State Council of Higher Education who will act in an advisory capacity. The faculty representative must be employed in a full-time teaching position at a public institution of higher education in Virginia. The faculty representative may not be considered a member of the State Council for any purpose, including establishing a quorum and making official decisions, and may be excluded from executive sessions or closed meetings.

*Patron - Deeds*

**SB893 Faculty representatives to the State Board for Community Colleges, local community college boards, and boards of visitors.** Requires the State Board for Community Colleges, local community college boards, and boards of visitors of any public four-year institution of higher education to appoint one or more nonvoting, advisory faculty representatives to their respective boards. Currently, these appointments are at the discretion of each board.

*Patron - Deeds*

**SB982 Partial tuition waiver; children of university and college faculty.** Establishes the Dependent Children of University and College Faculty Reduced Tuition Program, to provide 50% tuition waivers for the children of current full-time faculty members who have been employed full-time by any one or more public Virginia college or university for an aggregate period of at least seven years. The tuition waivers shall be used for undergraduate education at any public institution of higher education in Virginia.

*Patron - Edwards*

**SB983 Community College Scholarship Match Program.** Establishes the Community College Scholarship Match Program to provide matching funds to community college foundations and the Virginia Foundation for Community College Education. Funds may be paid on the basis of one dollar state general fund appropriation for every one dollar donated by private individuals, foundations, or corporations beginning on July 1, 2007. These funds shall be used to award scholarships to students who (i) are domiciled residents of Virginia, (ii) graduated from a public or private Virginia high school, and (iii) are enrolled in a Virginia community college. The provisions of the bill are contingent upon an appropriation of general funds in the 2007 General Appropriation Act.

*Patron - Edwards*

**SB1204 In-state tuition rates; prohibited for certain individuals.** Prohibits the board of visitors or other gov-

erning body of a public institution of higher education in the Commonwealth from authorizing in-state tuition rates for individuals who are unlawfully present in the United States. The bill also provides that, notwithstanding the provisions regarding the governing bodies' mandates, any person shall be eligible for in-state tuition who: (i) has resided in Virginia while attending high school; (ii) has graduated from a public or private high school in Virginia or has received a General Education Development (GED) certificate in Virginia; (iii) has resided in the Commonwealth for at least three years on the date of high school graduation; (iv) has registered in an institution of higher education; (v) has 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 (vi) has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, filed, unless exempted by state law, Virginia income tax returns for at least three years prior to the date of enrollment.

*Patron - Hanger*

**FSB1280 Virginia College Savings Program; annual report.** Eliminates the requirement that the State Council of Higher Education must annually prepare a financial analysis of future higher education expenses for the Department of Taxation to distribute.

*Patron - Whipple*

**FSB1342 Public institutions of higher education; operational authority.** Provides operational authority for public institutions of higher education pursuant to the Restructuring Act of 2005 in one of the following areas: (i) information technology, or (ii) procurement. The institution would have the choice of selecting the area of operational authority. The additional operational authority would also have to be provided in the appropriation act.

*Patron - Houck*

## Elections

### Passed

**HB1625 Forfeiture of office for persons convicted of certain crimes.** Provides that any person holding public office who is convicted of any offense that requires registration on the Sex Offender and Crimes Against Minors Registry, as defined in § 9.1-902, and for whom all rights of appeal under Virginia law have expired, shall forfeit the public office.

*Patron - Ingram*

**HB1642 Elections; voter registration records.** Clarifies the duties of local electoral boards, general registrars, and the State Board of Elections regarding voter registration records and exceptions from public inspection. Requires the State Board to provide general registrars with lists of registered voters and persons denied registration for public inspection. This bill incorporates HB 2202.

*Patron - Alexander*

**HB1835 Knowingly communicate false information to registered voter; penalty.** Makes it a Class 1 misdemeanor to knowingly communicate false information to a registered voter about the date, time, and place of the election or the voter's precinct, polling place, or voter registration status in order to impede his voting.

*Patron - Amundson*

**HB1935 Elections; applications for absentee ballots.** Requires that applications for absentee ballots contain the last four digits of the applicant's social security number.

*Patron - Rapp*

**HB1977 Campaign finance; inaugural committees; final report and surplus funds.** Provides that surplus inaugural committee funds shall be used only to return contributions to contributors or make charitable contributions. Applies to funds and receipts received by inaugural committees after July 1, 2007. Funds and receipts received before that date continue to be governed by prior law.

*Patron - Fralin*

**HB2141 Elections; voter registration records; authorize matching with lists of other states; State Board of Elections to develop security policies and make annual report.** Authorizes the State Board of Elections to furnish voter lists to other states with protections for privacy of voter social security numbers. Authorizes cancellation of voter registration based on information from registration officials of other states. Makes conforming changes to sections referring to social security numbers to prohibit disclosure of parts of numbers. Requires the State Board of Elections to (i) approve security procedures for transmitting voter lists to other states' Chief Election Officers, and (ii) monitor implementation with annual statistical reporting to the General Assembly starting July 1, 2008.

*Patron - Brink*

**HB2287 Absentee voting; alternative procedures to expedite counting preparations.** Authorizes the electoral board to give the general registrar the option to expedite preparations for counting optical scan absentee ballots returned by mail. The board can authorize verifying completion of the required affirmation, marking the pollbook, and inserting ballots in optical scan equipment in presence of officers of election representing both parties without initiating any vote counts. Prohibits persons present during the preparations from disclosing any information concerning the ballots. This bill is identical to SB 1334.

*Patron - Watts*

**HB2354 Elections; recount procedures.** Provides for the securing by the circuit court clerks of ballots and election materials after an election and pending a recount.

*Patron - Cosgrove*

**HB2386 Campaign finance disclosure; filings of candidate reports.** Requires the State Board of Elections to develop and implement a centralized system to accept reports from local office candidates by July 1, 2007. Local office candidates who file electronically with the State Board will not be required to file locally, and the State Board shall make the filings available promptly to the local electoral board. The bill takes effect only if adequate funding or programming is available to implement the centralized system for accepting the local reports. This bill is identical to SB 1015.

*Patron - May*

**HB2650 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 Virginia's campaign finance disclosure laws apply 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 bill reflects a recommendation of the task force that assisted the State Board of Elections

in conducting a review in 2005 of the Campaign Finance Disclosure Act pursuant to House Joint Resolution 667 (2005).

*Patron - Jones, S.C.*

**HB2707 Election procedures; voting equipment requirements; recounts.** Prohibits future purchases of direct recording electronic (DRE) devices; and provides for the phase out of DRE devices as the devices now in operation wear out. Prohibits any form of wireless communication to or from voting or counting devices while polls are open on election day. Requires localities to provide accessible equipment for disabled voters. The bill deletes obsolete references to mechanical voting equipment and punchcard devices. The bill as passed is identical to SB 840 and incorporates HBs 2077 and 2734.

*Patron - Hugo*

**HB2740 Campaign finance; deadline for reports of independent expenditures; filings by political action and political party committees.** Requires filing independent expenditure reports by earlier of 24 hours after (i) making expenditure, or (ii) publishing or publicly broadcasting materials to influence voting for or against an identified candidate. Requires that independent expenditure reports filed by a political action committee or political party committee that has not yet filed a statement of organization provide the information required on a statement of organization. Current law allows a committee 10 days after it is organized to file its statement of organization. This bill requires a political action committee or political party committee that makes an independent expenditure during this 10-day period or any period during which the committee has not filed a statement of organization to file a report with complete information within 24 hours of spending funds or publishing or publicly broadcasting candidate related materials.

*Patron - Englin*

**HB2780 House of Delegates districts.** Makes a technical adjustment in the boundary line between the Ninety-seventh and Ninety-eighth districts within King William County in order that all of the town of West Point will be within the Ninety-eighth district.

*Patron - Morgan*

**HB2818 Elections; polling place activities and restrictions; pollwatchers.** Allows officers of election discretion to permit up to three representatives of each party or candidate to remain in the polling place to observe the election in all cases. Present law requires allowing presence of at least one representative per party or candidate or, if the pollbook is divided into sections, one representative per section not to exceed three representatives per party or candidate at the same time.

*Patron - Sickles*

**HB2852 Campaign finance; special registration provisions for certain committees.** Provides that the State Board of Elections shall not accept the statement of organization from or register a political action committee unless the PAC states that its primary purpose is to influence the outcome of nonfederal elections in Virginia. Makes conforming changes in the definitions pertaining to campaign finance. Defines "primary purpose" as meaning 50% or more of overall contributions made by a committee are made to Virginia registered campaigns and committees, excluding administrative expenses and transfers among affiliates. Applies to expenditures of funds received on or after July 1, 2007.

*Patron - Moran*

**HB3025 Elections; voter participation; information provided by State Board of Elections.** Requires the State

Board of Elections to continue its current practice of providing elections results and statistical information on its website. Requires calculation and report on voter turnout to exclude voters assigned to inactive status. Voters are assigned to inactive status pursuant to §§ 24.2-428 and 24.2-428.1 if they fail to respond within 30 days to a notice issued by general registrar or other specified events.

*Patron - Cox*

**HB3168 Elections; persons not listed in pollbook; application for registration and provisional ballot.** Requires officers of election to provide persons offering to vote not listed in pollbook an application for registration along with a provisional ballot. Allows counting the provisional ballot if the voter or State Board of Elections proves that a timely registration application was submitted to another state-designated registration agency and the registrar determines the voter is qualified based on the application provided when he offered to vote.

*Patron - Dance*

**SB736 State Board of Elections.** Prohibits a board member from running for an elected office, serving as a political party committee chairman, or being a paid worker for a candidate campaigning for elected office. This bill is identical to SB 775.

*Patron - Martin*

**SB840 Election procedures; voting equipment requirements; recounts.** Prohibits future purchases of direct recording electronic (DRE) devices; and provides for the phase out of DRE devices as the devices now in operation wear out. Prohibits any form of wireless communication to or from voting or counting devices while polls are open on election day. Requires localities to provide accessible equipment for disabled voters. The bill deletes obsolete references to mechanical voting equipment and punchcard devices. This bill is identical to HB 2707 as passed and incorporates SB 878.

*Patron - Devolites Davis*

**SB1015 Campaign finance disclosure; filings of candidate reports.** Requires the State Board of Elections to develop and implement a centralized system to accept reports from local office candidates by July 1, 2007. Local office candidates who file electronically with the State Board will not be required to file locally, and the State Board shall make the filings available promptly to the local electoral board. The bill takes effect only if adequate funding or programming is available to implement the centralized system for accepting the local reports. This bill is identical to HB 2386.

*Patron - Norment*

**SB1034 Elections; challenges to voters at the polls.** Provides that a person challenging a person's right to vote at the polls shall complete a form and indicate the reason for his challenge. Expands grounds for challenge to include that the person (i) is not who he represents himself to be, or (ii) has already voted. Corrects affirmation required of challenged voter to include town residency for town elections.

*Patron - O'Brien*

**SB1226 Electronic voting equipment; security.** Requires local electoral boards to develop plans and procedures to ensure the security of electronic voting systems. Requires the general registrar and State Board of Elections to provide assistance in the development of these plans, upon request. The bill also requires vendors of electronic voting systems to provide written best practices about the secure use of

the systems when applying for certification in the Commonwealth and to annually update these practices once certified.

*Patron - Howell*

**SB1232 Page County School Board; referendum.** Provides for a referendum in the County at the November 2007 election on the question of whether the chairman of the school board should be elected by the County at large.

*Patron - Obenshain*

**SB1307 Senatorial districts.** Makes a technical adjustment between the Fifteenth and Twenty-third districts in Amherst County so as to eliminate a split precinct.

*Patron - Newman*

**SB1334 Absentee voting; alternative procedures to expedite counting preparations.** Authorizes electoral board to give general registrar the option to expedite preparations for counting optical scan absentee ballots returned by mail. The board can authorize verifying completion of the required affirmation, marking the pollbook, and inserting ballots in optical scan equipment in presence of officers of election representing both parties without initiating any vote counts. Prohibits persons present during the preparations from disclosing any information concerning the ballots. This bill is identical to HB 2287.

*Patron - Reynolds*

## Failed

**HB1629 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*

**HB1769 Elections; polling places; prohibited activities.** Provides that the prohibitions on exhibiting campaign materials in or near polling places shall not be construed to apply to voters wearing a shirt, hat, or other apparel or a sticker or button attached to his apparel on which a candidate's name or a political slogan appears.

*Patron - Brink*

**HB2069 Elections; absentee voting and absentee ballot applications.** Provides that any person who will be commuting to perform volunteer service on election day may vote absentee if his commute and service time equals 11 or more hours of the 13 hours that the polls are open.

*Patron - Brink*

**HB2070 Redistricting process.** Creates a new Citizen Advisory Redistricting Board within the State Board of Elections to have responsibility to prepare and recommend state legislative and congressional redistricting plans for consideration and enactment by the General Assembly. The Chief Justice of the Supreme Court designates a special master who is chair. The Governor appoints four members from recommendations (three each) of the majority and minority leaders in each house. The remaining Board members are appointed by the Governor after considering recommendations of the state party committee chairs of parties with candidates receiving at least 25% of the vote in the last gubernatorial election; thus,

the Governor initially would appoint six members. Adopts apportionment standards of federal and state law (currently, population equality, compactness, and contiguity). Allows local governing bodies to make recommendations when a proposed plan would divide a county, city, or town. This bill is patterned after the Vermont redistricting process adapted for Virginia's election schedule and district structure. The bill provides for continuation of the Joint Reapportionment Committee to facilitate development of proposed plans by the Citizen Advisory Redistricting Board and the General Assembly's enactment of plans under Article II, §6 of the Constitution.

*Patron - Brink*

**HB2072 Absentee voting; persons eligible to vote absentee.** Adds women who are pregnant at the time of applying to vote absentee to the list of persons eligible to vote absentee.

*Patron - Brink*

**HB2077 Election procedures; voting equipment requirements; recount procedures.** Beginning January 1, 2009, requires vendors seeking State Board of Elections certification of direct recording electronic (DRE) devices to equip them to produce a paper record of each vote that can be verified by the voter and provides for use of paper records in recounts. Allows use of currently certified DRE machines without voter-verified paper record capacity. Requires localities to provide voting equipment accessible to disabled voters and when required by the Voting Rights Act of 1965, the capacity for alternative languages. Repeals outdated authorization for mechanical voting devices and outdated references to punchcards and mechanical voting devices. This bill was incorporated into HB 2707.

*Patron - Armstrong*

**HB2083 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. The bill takes effect January 1, 2008.

*Patron - Eisenberg*

**HB2202 Elections; voter registration records.** Clarifies the duties of local electoral boards, general registrars, and the State Board of Elections regarding voter registration records and exceptions from public inspection. This bill was incorporated into HB 1642.

*Patron - Wardrup*

**HB2574 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 HB 3001.

*Patron - Shannon*

**HB2599 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*

**HB2696 Election procedures; voting equipment requirements.** Requires vendors seeking State Board of Elections certification of direct recording electronic (DRE) devices to (i) have current federal certification and (ii) equip them to produce a paper record of each vote that can be verified by the voter. Provides that the voter-verified paper record takes precedence in a recount. Requires that all DREs produce a voter-verifiable paper record. The bill takes effect January 1, 2009.

*Patron - Hugo*

**HB2697 Election procedures; recounts.** Requires recount officials as part of the recount proceedings to randomly audit three percent of voting machines using State Board of Elections standards for hand recounts. A discrepancy exceeding one tenth of one percent (0.1%) requires extending the audit to all precincts. The bill is effective January 1, 2009, and it deletes obsolete references to mechanical voting equipment and punchcards.

*Patron - Hugo*

**HB2734 Election procedures; voting equipment requirements; recount procedures.** Requires localities to provide voting equipment accessible to disabled voters and, when required by the Voting Rights Act of 1965, the capacity for alternative languages. Repeals outdated authorization for mechanical voting devices and outdated references to punchcards and mechanical voting devices. This bill was incorporated into HB 2707.

*Patron - Englin*

**HB2737 Election procedures; postelection audits of vote-counting machines.** Requires State Board of Elections to develop procedures to enable local electoral boards to conduct postelection audits of at least two percent of machines in jurisdictions with at least 50,000 voters and at least five percent of machines in jurisdictions with under 50,000 voters. Requires the random selection for auditing of a representative sample of vote-counting machines within 48 hours of public announcement of initial vote counts and prohibits certifying results until audits are completed. Provides that paper records control in the event of a significant discrepancy, defined as over 0.1% difference between the hand counted total and the initial machine tally. Requires local electoral board to publicly announce comparative results. The bill is effective January 1, 2009.

*Patron - Hugo*

**HB2742 Presidential elections; National Popular Vote Compact.** Enters Virginia into an interstate compact known as the Agreement Among the States to Elect the President by National Popular Vote. Article II of the United States Constitution gives the states exclusive and plenary authority to decide the manner of awarding their electoral votes. Under the compact, the state agrees to award its electoral votes to the presidential ticket that receives the most popular votes in all 50 states and the District of Columbia. The compact goes into effect when states cumulatively possessing a majority of the electoral votes have joined the compact. A state may withdraw from the compact; however, a withdrawal occurring six months or less before the end of a President's term shall not become effective until a President or a Vice President has qualified to serve the next term. This bill is identical to SB 864.

*Patron - Englin*

**HB2891 Early voting.** Provides that any registered voter qualified to vote in an election may vote in person from 30 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. The bill takes effect January 1, 2008.

*Patron - Phillips*

**HB2892 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.

*Patron - Phillips*

**HB2901 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. The bill takes effect January 1, 2008.

*Patron - Spruill*

**HB2911 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.

*Patron - Spruill*

**HB2995 Campaign finance; civil penalty.** Adds a requirement for campaign committees, political committees, and out-of-state political committees to report the name and address of any controlling individual with an ownership interest exceeding 50% in any contributor that is a corporation, partnership, business, or other like entity. Prohibits making or receiving contributions without required disclosure and imposes a civil penalty equal to the greater of \$500 or the amount of the contribution.

*Patron - Scott, J.M.*

**HB2996 Campaign Finance Disclosure Act of 2006.** Provides a procedure for review of campaign finance reports for candidates for Governor, Lieutenant Governor, and Attorney General and for candidates in a random sample of General Assembly districts. Focuses on reconciling the balance in the campaign depository with campaign finance reports, mathematical accuracy, and completeness. Retains existing record retention requirements in § 24.2-947.3.

*Patron - Scott, J.M.*

**HB2999 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 at-large 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.*

**HB3001 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 HB 2574.

*Patron - Scott, J.M.*

**HB3012 Campaign finance; certain prohibited contributions to local governing body members.** Prohibits

any governing body member from soliciting or accepting a campaign contribution from a person with a personal interest in a transaction pending before the governing body while the matter is pending before the governing body or for 90 days after action on the matter. Prohibits any person with a personal interest in a transaction pending before the governing body from making or promising to make a campaign contribution to a member of the governing body while the matter is pending before the governing body or for 90 days after action on the matter. Includes special disclosure requirements, definitions, and civil penalties for violations.

*Patron - Frederick*

**FHB3052 Elections; officers of election; high school interns as officers.** Provides for the appointment of high school students age 16 or older and in good academic standing to serve as officer of election interns. Interns shall perform the duties of officers of election and receive the same compensation and training as officers of election.

*Patron - Alexander*

**FHB3100 Voter registration list.** Clarifies persons who may obtain lists of persons voting at primaries and elections

*Patron - O'Bannon*

**FHB3101 Campaign finance disclosure; reports of independent expenditures.** Narrows disclosure requirements by providing that the requirement to file reports of independent expenditures shall apply to any "political action committee" rather than to any "political committee." The definition of "political committee" covers "any political action committee, political party committee, referendum committee, or inaugural committee."

*Patron - O'Bannon*

**FHB3150 Campaign finance; prohibited activities during regular sessions of the General Assembly.** Prohibits General Assembly members and the Governor, Lieutenant Governor, and Attorney General from attending political party committee fundraisers during regular sessions of the General Assembly.

*Patron - Saxman*

**FHB3157 Elections; candidate filing requirements.** Requires independent and primary candidates to pay a filing fee for expenses equal to the greater of \$50 or two percent of one year's minimum annual salary for the office unless a candidate provides an affidavit that he is indigent. Provides a formula for calculating signatures required on candidate petitions for the General Assembly and local elections of 0.25% of registered voters or 50 registered voters, whichever is greater. Retains exceptions for certain small towns and soil and water conservation districts.

*Patron - Wardrup*

**FHB3200 Elections; duties of registrars; voter registration residence requirements; certain presumptions.** Creates a presumption that the address given by a full-time student at a Virginia institution of higher education is his proper address for registering to vote whether it is the address where he lives while attending school or the address in Virginia where he lives when not attending school.

*Patron - Rapp*

**FSB775 State Board of Elections.** Prohibits a board member from running for an elected office, serving as a political party committee chairman, or being a paid worker for a

candidate campaigning for elected office. This bill is identical to SB 736.

*Patron - Cuccinelli*

**FSB864 Presidential elections; National Popular Vote Compact.** Enters Virginia into an interstate compact known as the Agreement Among the States to Elect the President by National Popular Vote. Article II of the United States Constitution gives the states exclusive and plenary authority to decide the manner of awarding their electoral votes. Under the compact, the state agrees to award its electoral votes to the presidential ticket that receives the most popular votes in all 50 states and the District of Columbia. The compact goes into effect when states cumulatively possessing a majority of the electoral votes have joined the compact. A state may withdraw from the compact; however, a withdrawal occurring six months or less before the end of a President's term shall not become effective until a President or a Vice President has qualified to serve the next term. This bill is identical to HB 2742.

*Patron - Miller*

**FSB878 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 840 as passed the Senate.

*Patron - Deeds*

**FSB916 Voter registration procedures; applications and receipts.** Requires the state form for the application to register to vote to contain a receipt that will be given to the applicant by any person accepting the application. The receipt states the name of the office or person accepting the application, the date accepted, and a phone number that the applicant may call to verify that he is registered. The requirements pertaining to the receipt are inapplicable when the applicant mails his application directly to a general registrar, State Board of Elections, or other government agent authorized by law to accept the application.

*Patron - Howell*

**FSB920 Elections; absentee voting.** Provides that qualified voters may vote absentee in person without providing an excuse or reason for not being able to vote in person on election day. The bill retains the present statutory list of specific reasons entitling a voter to cast an absentee ballot for those persons who vote absentee by mail.

*Patron - Howell*

**FSB940 Elections; voter registration lists and applications; victims of domestic violence.** Provides that victims of domestic violence reported to law-enforcement officers may provide a post office box address, in lieu of a residence address, to be shown on any public list of registered voters. The bill takes effect January 1, 2008.

*Patron - Ticer*

**FSB986 Elections; absentee voting.** Extends to persons with any disability or illness, rather than only a "physical" disability or illness, the ability to obtain an absentee ballot; and provides a definition for "person with a disability."

*Patron - Deeds*

**FSB1095 Elections; authorized voting equipment.** Adds to the requirements for certification of voting equipment that the equipment be designed to assure, to the extent practicable, that the voter reviews each candidate and question on the ballot for the election.

*Patron - Puckett*

**SB1274 Elections; absentee voting by individuals with disabilities or other medical conditions and caregivers.** Establishes a right to vote absentee for duly registered voters with medical conditions making them unable to go to polls on election day and their caregivers. Provides a definition of "disability."

*Patron - Whipple*

**SB1382 Elections; voting procedures at polling places.** Eliminates the requirement that the name and address of the voter be repeated by an officer of election so that it may be heard by persons present in the polling place.

*Patron - Ticer*

## Eminent Domain

### Passed

**HB1800 Condemnation cases; jury selection.** Provides that jury selection in condemnation cases shall conform to the procedures established in Chapter 11 (§ 8.01-336 et seq.) of Title 8.01 and makes conforming changes to § 25.1-229. Five persons from a panel of not fewer than 13 jurors shall constitute a condemnation jury. This bill also provides that jury commissioners shall determine the freeholder status of all qualified jurors. As introduced the bill was a recommendation of the Judicial Council. This bill is identical to SB 1068.

*Patron - Cosgrove*

**HB3199 Costs in a condemnation action; written appraisal report.** Requires the owner to provide a condemning party a written report of appraisal, provided it is the same type of report furnished to the owner and that complies with the requirements of the Uniform Standards of Professional Practice, in order to obtain costs and fees under § 25.1-245 and creates § 24.1-417.1 whereby a property owner can receive a partial reimbursement of costs of a written appraisal report if no agreement can be reached when the offer made by the Department of Transportation exceeds \$250,000 or the owner contends that just compensation exceeds \$250,000. In order to be entitled to reimbursement, the owner must submit the appraisal report, which appraisal is equal to or greater than \$250,000, at least 60 days prior to trial. The court may, in its discretion, allow reimbursement in cases when the appraisal is less than \$250,000.

*Patron - Athey*

**SB1068 Condemnation cases; jury selection.** Provides that jury selection in condemnation cases shall conform to the procedures established in Chapter 11 (§ 8.01-336 et seq.) of Title 8.01 and makes conforming changes to § 25.1-229. Five persons from a panel of not fewer than 13 jurors shall constitute a condemnation jury. This bill also provides that jury commissioners shall determine the freeholder status of all qualified jurors. As introduced the bill was a recommendation of the Judicial Council. This bill is identical to HB 1800.

*Patron - McDougle*

### Failed

**HB1819 Definition of public uses; no takings for purpose of conservation.** Prohibits the taking of private land for the purpose of conservation.

*Patron - Suit*

**HB2397 Burden of establishing public use; condemnor.** Places a burden on the condemnor to prove by a preponderance of the evidence that the public use being relied upon in the taking is a public use that benefits the community in proximity to the property that is the subject of the condemnation action.

*Patron - Athey*

**HB3115 Eminent domain; compensation for damage to viewshed.** Allows for just compensation to be provided for properties within 2,000 feet of the property to be taken or damaged in an eminent domain proceeding, if the viewshed of such other properties will be damaged by reason of such taking and use.

*Patron - May*

**SB1096 Eminent domain; definition of public uses.** Provides a definition of the term "public uses" mentioned in Article I, Section 11 of the Constitution of Virginia and specifies certain exceptions to this definition, including when the taking of land is for the primary purpose of (i) conferring financial gain on a private person, (ii) enhancing tax revenues, or (iii) furthering economic development or employment. The bill also clarifies that if the property to be taken is used in connection with the operation of a business, any business losses incurred must be included in determining just compensation and any damages for the landowner. The bill also provides that the power of eminent domain can only be used to take property to eliminate blight if the property in question is in fact blighted and serves to endanger the public health, safety, or welfare. The bill also provides that a landowner may be awarded reasonable costs, including attorney and appraisal fees, if the amount of just compensation and damages awarded to a landowner exceeds the amount of the final written offer made by the petitioner. Current law only permits an award of reasonable costs if the amount of just compensation and damages is 30% more than the amount of the final written offer and does not permit an award of attorney fees. This bill was incorporated into SB 781.

*Patron - Obenshain*

**SB1297 Costs in a condemnation action; written appraisal report.** Requires an owner to provide a condemning party a written report of appraisal that complies with the requirements of the Uniform Standards of Professional Appraisal Practice to obtain costs and fees under § 25.1-245.

*Patron - Norment*

**SB1304 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. This bill was incorporated into SB 1296.

*Patron - Newman*

## Fiduciaries Generally

### Passed

**HB2767 Fiduciaries; presumption of prudence.** Clarifies when fiduciaries will receive the presumption of prudence.

dence in investing and extends the presumption to custodians and custodial trustees. The bill provides that the presumption of prudence in investing only applies to a fiduciary (i) in a calendar year in which the value of the intangible personal property under his management does not exceed \$100,000 at the beginning of the year, or (ii) who has obtained express authorization from a court with jurisdiction that the presumption of prudence in investing applies.

*Patron - Hurt*

## Failed

**HB2846 Expenses and commissions allowed by fiduciaries; review by commissioners.** Clarifies that the compensation for a fiduciary fixed by the instrument shall not be challenged unless it is shown to be unreasonable and clarifies that if the instrument references a standard published fee schedule that the commissioner's ability to alter the fee will be limited.

*Patron - Carrico*

## Fire Protection

### Passed

**HB2048 Statewide Fire Prevention Code; enforcement.** Prohibits the State Fire Marshal from charging a fee for permits issued for the inspection of schools operated or conducted under the auspices of a religious institution. The bill has a two year sunset provision.

*Patron - McQuigg*

## Fisheries and Habitat of the Tidal Waters

### Passed

**HB1720 Recreational gold mining.** Exempts recreational gold miners from having to obtain a permit from the Virginia Marine Resources Commission if they meet certain conditions.

*Patron - Morgan*

**HB1855 Aquaculture.** Requires the Marine Resources Commission to develop a general permit for the placement of temporary shellfish enclosures in state waters. The general permit will include provisions to ensure that enclosures may be easily located and removed if (i) a threat to navigation arises, (ii) the enclosure is idle, or (iii) the lease conditions are otherwise violated. This bill is identical to SB 1333.

*Patron - Wittman*

**HB1868 Agent's fee for saltwater fishing licenses.** Sets the commission fee for license agents who sell the saltwater recreational fishing license and the special combined sport-fishing license at an amount equivalent to the amount established by the Board of Game and Inland Fisheries for agents who sell licenses by electronic or computerized means. The bill clarifies that license agents' fees are to be deducted from the saltwater recreational fishing license fees. The bill

also removes some administrative procedures required when seeking a reissued license for a second boat.

*Patron - Wittman*

**HB1993 Oyster measures.** Shifts the measurement of oysters from the point of sale to the point of landing for the purpose of enforcing that the catches are sold by the full bushel or half-bushel.

*Patron - Wittman*

**HB2082 Harvest quota on menhaden; penalty.** Establishes an annual menhaden harvest quota of 109,020 metric tons for the Virginia portion of the Chesapeake Bay. Fisheries shall receive a credit to be applied in the following year if the actual harvest does not meet the harvest quota and a deduction if the actual harvest exceeds the harvest quota. Orders by the Secretary of Natural Resources setting a date of closure for the fishery will be exempt from the requirements of the Administrative Process Act. Any person harvesting menhaden for reduction purposes after receiving notice that the quota has been met shall be guilty of a Class 1 misdemeanor. This bill incorporates HB 1624.

*Patron - Wittman*

**HB2203 Conveyance of subaqueous lands.** Clarifies that the three parties who were authorized to receive conveyances of parcels of subaqueous lands located in the City of Norfolk in 2006 will not have to pay fair market value for these properties. The bill exempts them from having to pay fair market value because they have paid local real estate taxes on these parcels along with the adjacent upland properties since they have owned the properties.

*Patron - Wardrup*

**HB2642 Conveyance of state-owned bottomlands in Hampton.** Authorizes the Marine Resources Commission to convey, for fair market value, three parcels of state-owned land consisting of 1,200 square feet, 10,900 square feet, and 22,400 square feet to private parties. The terms and conditions of the conveyance shall be approved by the Governor and the conveyance shall be in a form approved by the Attorney General. This bill is identical to SB 1367.

*Patron - Gear*

**HB2782 Conveyance of state-owned bottomlands.** Clarifies that it shall be the policy of the Commonwealth to convey only limited interests to state-owned bottomlands covered by state waters and to convey state-owned bottomlands covered by fill provided that such lands were lawfully filled. The provisions of this act become effective on July 1, 2008, and shall not affect any litigation pending on the effective date.

*Patron - Morgan*

**HB2990 Conveyance of subaqueous land.** Authorizes the Marine Resources Commission to convey a parcel of subaqueous land in the Elizabeth River in Norfolk to a private corporation at fair market value. The terms and conditions of the conveyance shall be approved by the Governor and the conveyance shall be in a form approved by the Attorney General.

*Patron - Melvin*

**HB3005 Property conveyance.** Authorizes the Virginia Marine Resources Commission to grant easements and rights-of-way to Virginia Natural Gas, Inc., across the beds of the James River/Hampton Roads Harbor and the Elizabeth River Reach for the construction of a natural gas pipeline. This bill contains an emergency clause.

*Patron - Jones, S.C.*

**HB3037 Potomac River Fisheries Commission.**

Raises the daily compensation and reimbursement of Commissioners from \$25 to \$250; grants Commission retirees eligibility to participate in health and related insurances available to state employees; and extends the regulatory jurisdiction of the Commission to the leasing of bottomlands and water columns in the Potomac River. The bill does not become effective until Maryland enacts similar provisions and the Governors of both states declare the respective acts effective.

*Patron - Wittman*

**SB900 Virginia Beach Police Department Marine Patrol and Virginia Marine Police; enforcement of federal security and safety zones and federal restricted areas.**

Authorizes the Virginia Beach Police Department Marine Patrol to enforce federal security zones, federal safety zones, and federal restricted areas within the tidal waters in the Virginia Beach Police Department's jurisdiction. The bill also makes technical amendments to the Virginia Marine Police's existing authority to patrol and enforce these federal zones.

*Patron - Rerras*

**SB1333 Aquaculture.**

Requires the Marine Resources Commission to develop a general permit for the placement of temporary shellfish enclosures in state waters. The general permit will include provisions to ensure that enclosures may be easily located and removed if (i) a threat to navigation arises, (ii) the enclosure is idle, or (iii) the lease conditions are otherwise violated. This bill is identical to HB 1855.

*Patron - Chichester*

**SB1367 Conveyance of state-owned bottomlands in Hampton.**

Authorizes the Marine Resources Commission to convey, for fair market value, three parcels of state-owned land consisting of 1,200 square feet, 10,900 square feet, and 22,400 square feet to private parties. The terms and conditions of the conveyance shall be approved by the Governor and the conveyance shall be in a form approved by the Attorney General. This bill is identical to HB 2642.

*Patron - Williams*

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## Failed

**HB1624 Harvest quota on menhaden; penalty.**

Establishes an annual menhaden harvest quota of 109,020 metric tons and allows for a credit to be applied in the following year if the actual harvest does not meet the harvest quota. Any violation of the harvest quota shall be a Class 1 misdemeanor, which is consistent with violations of other menhaden-related provisions in Chapter 4. This bill was incorporated into HB 2082.

*Patron - Cosgrove*

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## Game, Inland Fisheries and Boating

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## Passed

**HB1627 Mandatory boating safety education; civil penalty.**

Makes it \$100 civil penalty for anyone to operate a motorboat with a motor of 10 horsepower or greater without having successfully completed an approved boating safety education course. The education requirement is phased-in so that by July 1, 2016, 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 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, being registered as a commercial fisherman, etc. This bill is identical to SB 1241.

*Patron - Byron*

**HB1867 Game wardens.**

Replaces the term "game warden" with "conservation police officer" throughout the Code of Virginia.

*Patron - Wittman*

**HB1981 Hunting fees for nonresidents.**

Authorizes the Board of Game and Inland Fisheries to increase or decrease the hunting license fees for nonresidents up to \$50 every three years.

*Patron - Lohr*

**HB2019 Waterfowl blind licenses.**

Allows for the electronic transmission of applications for waterfowl blind licenses directly to the Department of Game and Inland Fisheries.

*Patron - Shuler*

**HB2020 National Forest Stamp.**

Changes the term of the National Forest Stamp from January 1 to December 31 to one year from the date of purchase. This change is necessary with the implementation of the automated point-of-sale licensing system in which all licenses are now valid for one year from their date of purchase.

*Patron - Shuler*

**HB2021 Crossbow license.**

Adds the crossbow license to those licenses that are covered by the two combination licenses: the youth resident and nonresident combination hunting license and the sportsman's hunting and fishing license.

*Patron - Shuler*

**HB2031 Regulation of parasail operations.**

Requires the Board of Game and Inland Fisheries to promulgate regulations applicable to the commercial operations of parasail operators on waters of the Commonwealth.

*Patron - Cosgrove*

**HB2308 Model firearms hunting ordinances.**

Requires the Board of Game and Inland Fisheries to develop, through regulations, model ordinances for hunting with firearms. The ordinances developed by the Board are to address such items as the caliber of the firearm, the type of firearm, and the type of ammunition. A county or city may adopt any of the model ordinances developed by the Board.

*Patron - Lingamfelter*

**HB2309 Use of shotguns.**

Authorizes the Board of Game and Inland Fisheries to change the shotgun shell capacity through regulations. This bill also conforms the hours a person can hunt with a pistol, muzzle-loading pistol or revolver to the hours allowed to hunt with other weapons.

*Patron - Lingamfelter*

**HB2313 Duck stamp.**

Changes the term of the Virginia Migratory Waterfowl Conservation Stamp to the fiscal year (July 1-June 30).

*Patron - Lingamfelter*

**HB2695 Liability for owners of low-head dams.** Provides that owners of low-head dams who use signs and buoys to warn the public of the hazards of swimming, fishing, and boating activities near low-head dams will have met the duty of care for warning the public of hazards posed by the dam.

*Patron - Cline*

**SB882 Loss of hunting lands.** Establishes a policy that there will be no net loss of public lands on which hunting occurs.

*Patron - Deeds*

**SB1241 Mandatory boating safety education; civil penalty.** Makes it \$100 civil penalty for anyone to operate a motorboat with a motor of 10 horsepower or greater without having successfully completed an approved boating safety education course. The education requirement is phased-in so that by July 1, 2016, 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 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, being registered as a commercial fisherman, etc. This bill is identical to HB 1627.

*Patron - Newman*

**SB1314 Boating under the influence.** Makes the blood or breath testing protocol for boating under the influence (BUI) consistent with that used for driving under the influence (DUI).

*Patron - Reynolds*

## Failed

**HB1639 Hunting on Sundays.** Allows hunting on Sunday from noon to one-half hour after sunset.

*Patron - Marshall, D.W.*

**HB2018 Hunting license fees.** Grants the Board of Game and Inland Fisheries the authority to revise nonresident license fees by as much as \$100 and the lifetime hunting and fishing license fees by as much as \$50.

*Patron - Shuler*

**HB2250 Exemption from licensing.** Exempts the siblings of a landowner from having to obtain any hunting, fishing or trapping license when engaging in these activities within the boundaries of their brother's or sister's property.

*Patron - Hogan*

**HB2303 Hunting on Sundays.** Allows landowners to hunt on their own property on Sundays. Also allows persons who have the written permission of the landowner to hunt on the landowner's property on Sundays.

*Patron - Cole*

**HB2373 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*

**HB2374 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, 2016, 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 and possessing a valid license issued to maritime personnel.

*Patron - Dudley*

**HB3169 Special lifetime hunting and fishing license.** Allows resident veterans who have a service-connected disability to purchase a lifetime hunting and fishing license for \$5. Currently, this license is available to veterans who have a permanent and total service-connected disability.

*Patron - Barlow*

**SB950 Muzzle-loading rifle ordinances.** Removes the authority of localities to adopt ordinances that permit the use of muzzle-loading rifles during prescribed open seasons.

*Patron - Quayle*

**SB1076 Exemptions for disabled persons.** Authorizes the Department of Forestry and the Board of Game and Inland Fisheries to adopt regulations that allow disabled persons increased access to hunting, fishing, and trapping opportunities.

*Patron - Ruff*

## General Assembly

## Passed

**HB1623 Code Commission; obsolete provisions and evaluation of unfunded laws.** Requires the Code Commission's review and reporting for the amendment or repeal of obsolete provisions in the Code of Virginia and the Virginia Acts of Assembly to occur at least every four years. Makes technical changes to the Commission's reporting requirements for recommending the repeal of certain unfunded provisions identified during the title revision process.

*Patron - Landes*

**HB1796 General Assembly; prefilng of legislation.** Clarifies that following an election, legislation may be prefiled only by members and members-elect of the next regular session of the General Assembly. Current law allows a member of the General Assembly who is retiring or who was not re-elected to prefile legislation until the convening of the next regular session of the General Assembly when his or her term of office expires.

*Patron - Griffith*

**HB1936 General Assembly Conflicts of Interests Act; disclosure form.** Modifies the reporting requirements in the Statement of Economic Interests for payments and reimbursements for attending meetings and creates a separate schedule to show payments and reimbursements by the Commonwealth for attending meetings outside the Commonwealth.

*Patron - Rapp*

**HB2040 Advisory Council on Career and Technical Education; sunset.** Extends the sunset for the Advisory Council on Career and Technical Education until July 1, 2012.

The bill repeals the second enactment clause of the Act creating the Council that set the original sunset date of July 1, 2007.

*Patron - Hamilton*

**HB2051 Virginia Disability Commission Sunset.** Extends the sunset provision for the Virginia Disability Commission to 2012. This bill is a recommendation of the Disability Commission.

*Patron - McQuigg*

**HB2065 The General Assembly Conflicts of Interests Act; disclosure form.** Modifies the form to clarify that the reporting of information on payments received for representing businesses before state agencies is treated separately from the reporting of information on payments received from businesses for other types of services.

*Patron - Nixon*

**HB2101 Elections, referenda.** Requires legislation authorizing statewide bond referendum to include information about the referendum for distribution to voters. The information must include a neutral explanation about the proposed ballot question, or a fiscal impact statement for any bond referendum, presented in plain English. The fiscal impact statement must include descriptions of the need for and anticipated uses of the bond proceeds. The Division of Legislative Services, with the assistance of the Office of the Attorney General, must prepare the neutral explanation. The staffs of the House Committee on Appropriations and the Senate Committee Finance are directed to each prepare a fiscal impact statement for any bond referendum and assist the Division of Legislative Services in preparing the explanation. The State Board of Elections is required to publish the information by paid advertisement in daily newspapers with an average daily circulation of more than 50K in Virginia once during the week preceding the referendum.

*Patron - Orrock*

**HB2923 Legislative Commission to study human trafficking.** Creates a legislative Commission for the purpose of developing and implementing a State Plan for the Prevention of Human Trafficking.

*Patron - Ebbin*

**SB756 Public-Private Partnership Advisory Commission.** Establishes the Public-Private Partnership Advisory Commission to review and advise responsible public entities that are agencies or institutions of the Commonwealth on detailed proposals for qualifying projects under the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-5575.1 et seq.). The bill also requires all responsible public entities to adopt guidelines to guide the selection of projects under the Public-Private Education Facilities and Infrastructure Act containing certain specified provisions. For responsible public entities that are not agencies or institutions of the Commonwealth, the guidelines must include a mechanism for the appropriating body to review the proposed comprehensive agreement prior to execution under certain circumstances.

*Patron - Stosch*

**SB1284 Auditor of Public Accounts.** Provides that the searchable database of state agency expenditures and revenues shall not include activity of private gifts, including endowment funds and unrestricted gifts received by state-supported institutions of higher education. The bill clarifies that all appropriated funds and other sources under the control of a state-supported institution of higher education shall be included in the database and that the exclusion of the private

gifts activity shall not affect the public access to such records unless otherwise specifically exempted by law.

*Patron - Stosch*

**SB1386 Joint Legislative Audit and Review Commission; analysis of state agency budget submissions.** Requires the Joint Legislative Audit and Review Commission to conduct a pilot program to analyze and evaluate estimates submitted by state agencies and provided to the Chairmen of the Senate Committee on Finance and the House Committee on Appropriations for the biennial budget to ascertain that sums requested are appropriated based on the missions, operations, practices, and duties of such agencies. The Commission must report the results of the pilot program to the General Assembly in 2009.

*Patron - Stolle*

## Failed

**HB1619 Virginia Budget Office.** Establishes in the legislative branch a Virginia Budget Office.

*Patron - Frederick*

**HB1846 Joint Commission on Oversight and Government Reform.** Creates the Joint Commission on Oversight and Government Reform in the legislative branch of state government. The purpose of the Commission is to review the operations of state agencies and state-funded programs with a view toward the reduction of nonessential programs and expenditures. The Commission shall consist of 10 members of the House of Delegates appointed by the Speaker thereof, of whom at least five shall be members of the House Appropriations Committee, and five members from the Senate appointed by the Privileges and Elections Committee of the Senate, of whom at least two shall be members of the Finance Committee, and the Auditor of Public Accounts, ex officio, who shall have no voting privileges.

*Patron - Saxman*

**HB1946 Reporting total new state government positions created.** Directs the staff of the House Appropriations Committee to report to the members of the House of Delegates the total number of new positions created by appropriations acts each year, along with a cumulative total every second year.

*Patron - Purkey*

**HB2273 Study; Virginia Commission on Deregulation.** Creates the 15-member Virginia Commission on Deregulation to study sectors of Virginia's economy that could be deregulated. The Commission expires on July 1, 2010.

*Patron - Purkey*

**HB2560 Constitutional amendments; procedure.** Makes the second joint resolution approving a constitutional amendment the vehicle for submitting a proposed amendment to voters and requires approval of a neutral explanation for voters as part of the General Assembly's consideration of the second joint resolution.

*Patron - Brink*

**HB2670 Bills required to be introduced by first day of a session.** Repeals the provisions requiring the following types of bills to be filed no later than the first day of a legislative session: charter, claims, optional county form of government, corrections impact, local fiscal impact, sales tax exemption, and Virginia Retirement System.

*Patron - Griffith*

**HB2867 Legislative agencies reports.** Requires the Clerk of the House of Delegates, the Clerk of the Senate, and all legislative agencies, including legislative statutory commissions, councils, and collegial bodies authorized to employ personnel, to report annually to the General Assembly the number of persons employed and appointed categorized by race, gender, and national origin. Under this bill, information pertaining to race, gender, and national origin will be compiled for statistical purposes and will be based on self-identification after employment or appointment. Records and data containing personally identifiable information are confidential and exempt from disclosure under the Freedom of Information Act. The provisions of this bill parallel the current requirements that apply to the executive branch of state government pursuant to § 2.2-406 of the Code.

*Patron - McEachin*

**HB2921 Legislative efficiency review program.** Directs the Joint Legislative Audit and Review Commission (JLARC) to quadrennially review the operations of each house and all agencies in the legislative branch to develop recommendations for improving efficiency. JLARC is required to report to the General Assembly by the first day of the 2008 Regular Session, and include in its first report a recommendation concerning the allowance of a per diem for pro forma sessions. The bill authorizes JLARC to contract for services to perform the review and report through a competitive procurement process complying with the Virginia Public Procurement Act.

*Patron - Shannon*

**SB809 Virginia Commission on the Bicentennial of Abraham Lincoln's birth.** Establishes the Virginia Commission on the Bicentennial of Abraham Lincoln to prepare for and lead the Commonwealth in the national commemoration of the 200th anniversary of his birth. The Commission consists of a total membership of 15 members, which includes eight legislators, four nonlegislative citizen members, and the Superintendent of Public Instruction, the Executive Director of the State Council of Higher Education, and the Chancellor of the Virginia Community College System or their designees. The Commission, among other things, must develop, plan, and coordinate the implementation of statewide programs, events, and activities appropriate to the commemoration of the 200th anniversary of the birth of Abraham Lincoln. Also, the Commission must work with state and local entities and diverse groups, including the federal Abraham Lincoln Bicentennial Commission, in planning and coordinating commemorative events. The provisions of this bill expire on July 1, 2010.

*Patron - Marsh*

**SB810 Legislative agencies reports.** Requires the Clerk of the House of Delegates, the Clerk of the Senate, and all legislative agencies, including legislative statutory commissions, councils, and collegial bodies authorized to employ personnel, to report annually to the General Assembly the number of persons employed and appointed categorized by race, gender, and national origin. Under this bill, information pertaining to race, gender, and national origin will be compiled for statistical purposes and will be based on self-identification after employment or appointment. Records and data containing personally identifiable information are confidential and exempt from disclosure under the Freedom of Information Act. The provisions of this bill parallel the current requirements that apply to the executive branch of state government pursuant to § 2.2-406 of the Code.

*Patron - Marsh*

**SB1123 Auditor of Public Accounts; review security of governmental databases containing personal information.** Provides that the Auditor of Public Accounts shall periodically review the security of any database or information system maintained or operated by any agency or other governmental entity of the Commonwealth that contains personal information regarding any individual to ensure that appropriate measures are in place to prevent unauthorized or unlawful access to this information. On an annual basis, the Auditor shall report the results of the review to the General Assembly and make recommendations for new or revised security measures, if needed.

*Patron - Cuccinelli*

**SB1427 Senate of Virginia; surplus property.** Provides for the sale of surplus laptop computers to current members of the Senate.

*Patron - Cuccinelli*

## General Provisions of Virginia Code

### Passed

**HB2431 Reversion of federal lands to the Commonwealth.** Authorizes the Commonwealth to take title to federal lands located within the Northern Virginia Planning District that contain environmental contamination if the United States enters into a written agreement with the Commonwealth, in a form to be approved by the Attorney General, to indemnify the Commonwealth for associated liabilities and clean-up costs or otherwise provides satisfactory assurances that all corrective action necessary to protect human health and the environment will be taken at the sole expense of the United States. The bill further provides that in addition, such transfer or reversion shall not occur unless and until the United States has agreed, and provides assurances satisfactory to the Commonwealth, to provide all transportation infrastructure improvements required to accommodate the development of any property contiguous or adjacent to the property subject to the transfer or reversion.

*Patron - Albo*

**HB2954 Public uses; eminent domain.** Defines the term "public uses" as embracing only the acquisition of property where (i) the land is taken for the possession, occupation and enjoyment by the public or a public corporation; (ii) the land is taken for construction, maintenance and operation of public facilities by public corporations or by private entities provided that there is a written agreement with a public corporation providing for the use of the facility by the public; (iii) the land is taken for the creation or functioning of a public service corporation, public service company, or railroad; (iv) the land is taken for the provision of utility services by a government utility corporation; (v) the land taken is blighted and is taken for the elimination of blight; and (vi) the property is taken in a redevelopment or conservation area that is abandoned or the acquisition is needed to clear title where one of the owners agrees to such acquisition. The bill also states that property can only be taken when the public interest dominates the private gain and the primary purpose is not private financial gain, private benefit, an increase in tax base or revenues, or an increase in employment, except if the property is taken for the creation or functioning of a public service corporation, public service company, or railroad, or for the provision of authorized utility services by a government utility corporation. The bill

defines the terms "blighted property," "government utility corporation," "public corporation," and "public facilities." The bill also provides that a property owner may challenge that a taking is a pretext for an unauthorized use. A former property owner, or his successors, may also request to repurchase the taken property upon the completion or abandonment of the stated public use. The bill does not apply to the forfeiture of property in connection with criminal act or real property that is subject to a certificate of take or deposit recorded prior to July 1, 2007. The bill also does not affect the ability of a redevelopment and housing authority to acquire property under a plan adopted prior to January 1, 2007 until July 1, 2010. This bill is identical to SB 781 and SB 1296.

*Patron - Bell*

**HB3076 State festival.** Designates the Virginia Covered Bridge Festival held in Patrick County as the official covered bridge festival of the Commonwealth. This bill is identical to SB 1375.

*Patron - Armstrong*

**SB781 Public uses; eminent domain.** Defines the term "public uses" as embracing only the acquisition of property where (i) the land is taken for the possession, occupation and enjoyment by the public or a public corporation; (ii) the land is taken for construction, maintenance and operation of public facilities by public corporations or by private entities provided that there is a written agreement with a public corporation providing for the use of the facility by the public; (iii) the land is taken for the creation or functioning of a public service corporation, public service company, or railroad; (iv) the land is taken for the provision of utility services by a government utility corporation; (v) the land taken is blighted and is taken for the elimination of blight; and (vi) the property is taken in a redevelopment or conservation area that is abandoned or the acquisition is needed to clear title where one of the owners agrees to such acquisition. The bill also states that property can only be taken when the public interest dominates the private gain and the primary purpose is not private financial gain, private benefit, an increase in tax base or revenues, or an increase in employment, except if the property is taken for the creation or functioning of a public service corporation, public service company, or railroad, or for the provision of authorized utility services by a government utility corporation. The bill defines the terms "blighted property," "government utility corporation," "public corporation," and "public facilities." The bill also provides that a property owner may challenge that a taking is a pretext for an unauthorized use. A former property owner, or his successors, may also request to repurchase the taken property upon the completion or abandonment of the stated public use. The bill does not apply to the forfeiture of property in connection with criminal act or real property that is subject to a certificate of take or deposit recorded prior to July 1, 2007. The bill also does not affect the ability of a redevelopment and housing authority to acquire property under a plan adopted prior to January 1, 2007 until July 1, 2010. This bill incorporates SB 1037 and SB 1096 and is identical to SB 1296 and HB 2954.

*Patron - Cuccinelli*

**SB1255 Courthouse; posting of notices.** Provides that whenever notices, summonses, orders, and other official documents are required to be posted on or at the front door of a courthouse or on a public bulletin board at the courthouse, this requirement can be met if such documents are posted at or near the principal public entrance to the courthouse in a conspicuous location that has been approved by the chief judge of the circuit in which the courthouse is situated.

*Patron - Herring*

**SB1296 Public uses; eminent domain.** Defines the term "public uses" as embracing only the acquisition of property where (i) the land is taken for the possession, occupation and enjoyment by the public or a public corporation; (ii) the land is taken for construction, maintenance and operation of public facilities by public corporations or by private entities provided that there is a written agreement with a public corporation providing for the use of the facility by the public; (iii) the land is taken for the creation or functioning of a public service corporation, public service company, or railroad; (iv) the land is taken for the provision of utility services by a government utility corporation; (v) the land taken is blighted and is taken for the elimination of blight; and (vi) the property is taken in a redevelopment or conservation area that is abandoned or the acquisition is needed to clear title where one of the owners agrees to such acquisition. The bill also states that property can only be taken when the public interest dominates the private gain and the primary purpose is not private financial gain, private benefit, an increase in tax base or revenues, or an increase in employment, except if the property is taken for the creation or functioning of a public service corporation, public service company, or railroad, or for the provision of authorized utility services by a government utility corporation. The bill defines the terms "blighted property," "government utility corporation," "public corporation," and "public facilities." The bill also provides that a property owner may challenge that a taking is a pretext for an unauthorized use. A former property owner, or his successors, may also request to repurchase the taken property upon the completion or abandonment of the stated public use. The bill does not apply to the forfeiture of property in connection with criminal act or real property that is subject to a certificate of take or deposit recorded prior to July 1, 2007. The bill also does not affect the ability of a redevelopment and housing authority to acquire property under a plan adopted prior to January 1, 2007 until July 1, 2010. This bill incorporates SB 1304 and SB 1390. This bill is identical to SB 781 and HB 2954.

*Patron - Norment*

**SB1375 State festival.** Designates the Virginia Covered Bridge Festival held in Patrick County as the official covered bridge festival of the Commonwealth. This bill is identical to HB 3076.

*Patron - Reynolds*

## Failed

**HB1837 Official fruit.** Designates the Ginger Gold Apple as the official fruit of Virginia.

*Patron - Amundson*

**HB2629 Use of Matricula Consular cards.** Declares that a Matricula Consular identification card shall not constitute evidence, and shall not be used in the Commonwealth by any individual as a means of establishing that the individual to whom such card was issued is a lawful resident of the Commonwealth or otherwise is an individual whose presence in the Commonwealth is in compliance with the laws of the United States.

*Patron - Reid*

**HB2662 State Song.** Designates "Virginia, Ever Enshrined" as the state song of the Commonwealth.

*Patron - Marsden*

**HB2797 Constitutional right to enjoyment of life.** Provides that "the right to enjoyment of life" guaranteed by Article 1, § 1 of the Constitution of Virginia is vested in each

born and preborn human being from the moment of fertilization.

*Patron - Marshall, R.G.*

**HB2914 State song.** Designates "Cradle of Liberty," by Thomas L. DeBusk, as the official state song.

*Patron - Bowling*

**HB3185 State Song.** Designates "Virginia" as the state song of the Commonwealth.

*Patron - Crockett-Stark*

**SB779 Official fruit.** Designates the apple as the official fruit of Virginia.

*Patron - Puller*

## Guardian and Ward

### Passed

**HB2831 Transfers to minors act; custodial trusts.** The bill enables the custodian of a trust benefiting a minor to transfer property, after the minor has reached age 21, to a qualified minor's trust. Such a transfer has the effect of terminating the custodianship to the extent of the property transferred.

*Patron - Gilbert*

### Failed

**HB2741 Guardians and conservators; use of real estate professionals.** Provides that guardians and conservators of the estates of incapacitated persons or minors shall use a real estate professional licensed under Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 to conduct any sale of real estate in connection with the management of the estates.

*Patron - Englin*

## Health

### Passed

**HB1630 Certain certificates of public need for nursing facility or extended care services.** Adjusts the previously amended certificate of public need authorization for three continuing care facilities that are established for the care of retired military personnel and their spouses or widows or widowers to extend the deadline for discontinuing the admission of private-pay patients who are not contract holders from July 1, 2008, to July 1, 2013, if the facility's contract holder occupancy rate is less than 85%.

*Patron - Poisson*

**HB1690 Worksite health promotion grants program.** Repeals § 32.1-11.4, relating to the worksite health promotion grants program. This bill is a recommendation of the Virginia Code Commission.

*Patron - Landes*

**HB1691 Transition to elimination of medical care facilities certificate of public need.** Repeals § 32.1-102.13, relating to the transition to elimination of medical care facili-

ties certificate of public need. This bill is a recommendation of the Virginia Code Commission.

*Patron - Landes*

**HB1949 Onsite Sewage Indemnification Fund; increased indemnification claim time.** Requires that the Commissioner shall, at the end of each fiscal year, certify that no expenses were paid from the Fund to support the program for training and recognition of authorized onsite soil evaluators in lieu of payment to any owner or owners qualified to receive payment from the Fund.

*Patron - Morgan*

**HB1965 Assisted living facilities; certain hospices exempt.** Defines "hospice facility." Exempts hospice facilities with 16 or fewer beds from Certificate of Public Need laws and regulations. Provides that hospice facilities shall be licensed by the Department of Health and that regulations promulgated by the Board shall include standards for the care, treatment, health, safety, welfare and comfort of patients and their families served by the program. Eliminates existing provisions authorizing an entity licensed as a hospice to concurrently hold a license to operate as an assisted living facility and authorizing an entity licensed as an assisted living facility to concurrently hold a license as a hospice.

*Patron - O'Bannon*

**HB1992 Certificate of public need; relocation of nursing home beds.** Authorizes issuance of certificates of public need for the relocation of nursing home beds under certain circumstances, but also provides an exception to regulation pursuant to § 32.1-102.1.

*Patron - Wittman*

**HB2035 Required vaccinations; adds human papillomavirus vaccine.** Requires females to receive three properly spaced doses of human papillomavirus (HPV) vaccine. The first dose shall be administered before the child enters the sixth grade. After having reviewed materials describing the link between the human papillomavirus and cervical cancer approved for such use by the Board of Health, a parent or guardian may elect for his daughter not to receive this vaccine. This bill contains a delayed effective date of October 1, 2008. This bill incorporates HB 1914 and is identical to SB 1230.

*Patron - Hamilton*

**HB2102 Prohibition on construction of private wells.** Prohibits the construction of private wells within 50 feet of the property line adjacent to agricultural property unless the owner of the adjacent property grants written permission for construction within 50 feet of the property line or the owner of the property provides certification that no other site on the property complies with the Board's regulations for the construction of a private well. Requires the Department of Health to accept private site evaluations and designs by a licensed professional engineer in consultation with an authorized onsite soil evaluator or by an authorized onsite soil evaluator. Requires the Department to obtain written affirmation from the applicant that a well construction site is in compliance with the provisions of this bill before issuing a permit.

*Patron - Orrock*

**HB2161 Statewide emergency medical care system.** Adds provisions for additional performance improvement measures. Adds requirement that the statewide Trauma Triage Plan be updated triennially.

*Patron - O'Bannon*

**HB2210 Investigation of deaths; medical examiner fee.** Clarifies that the county or city of which the deceased

was a legal resident shall be responsible for the medical examiner fee up to \$20.

*Patron - O'Bannon*

**HB2211 Virginia Emergency Medical Services (EMS) Registry and Virginia Statewide Trauma Registry.** Creates the Virginia EMS Registry within the Emergency Medical Services Patient Care Information System to collect data previously collected by the prehospital patient care reporting procedure. Creates the Virginia Statewide Trauma Registry within the Emergency Medical Services Patient Care Information System to collect information on trauma injuries in the Commonwealth.

*Patron - O'Bannon*

**HB2218 Donations of food to charitable organizations; deemed exempt from food service regulations.** Exempts charitable organizations that engage in food distribution to the needy from state and local regulations and ordinances that govern food service and preparation. Includes nonprofit homeless shelters and hunger prevention programs under the definition of "charitable organizations" for purposes of the exemption. Permits the Board of Health to issue advisory standards for food preparation, handling, protection, and preservation. The bill contains an emergency clause and will take effect upon passage. This bill incorporates HB 2258 and is identical to SB 806.

*Patron - Amundson*

**HB2290 Certified Nursing Facility Education Initiative; use of funds.** Requires the Director of the Department of Medical Assistance Services to establish a Nursing Facility Quality Improvement Program. This program shall replace the role of nonprofit organizations in using civil monetary penalty funds collected by the Department to improve the health, safety, and welfare of residents in nursing facilities. Requires that the Director shall provide a strategic plan and progress report to the Governor and the Chairmen of the House Committees on Health, Welfare and Institutions, and Appropriations; the Senate Committees on Education and Health, and Finance; and the Joint Commission on Health Care no later than October 1, 2007.

*Patron - Watts*

**HB2299 FAMIS Program; reporting requirements.** Eliminates the requirement that the Department of Medical Assistance Services provide quarterly reports on Family Access to Medical Insurance Security Plan enrollment, policies affecting enrollment, outreach efforts, and other topics.

*Patron - Brink*

**HB2345 Sex offender registry; nursing homes and assisted living facilities.** Requires nursing homes, certified nursing facilities, and assisted living facilities to register with the Department of State Police to receive automatic notification of the registration of sex offenders within the same or a contiguous zip code area as the home or facility. The bill also requires such entities to ascertain, before admission, whether a potential admittee is a registered sex offender if it is anticipated that the admittee will stay for more than three days or if the admittee does in fact stay for more than three days. This bill is identical to SB 1229.

*Patron - Bell*

**HB2346 Sex offender registry notification; nursing homes and assisted living facilities.** Requires nursing homes and assisted living facilities, at the time a resident is admitted and during his stay, to provide the resident with notice of Virginia's sex offender registry, and how to access the registry on the State Police's website. The language is simi-

lar to the requirement in the Virginia Residential Property Disclosure Act. This bill is identical to SB 1228.

*Patron - Bell*

**HB2366 Water systems; chronically noncompliant systems.** Defines "chronically noncompliant waterworks." Authorizes localities to acquire chronically noncompliant waterworks. Requires the Board of Health to promulgate regulations for the implementation of a program to (i) identify chronically noncompliant water systems and (ii) create mechanisms or enforcement options for eliminating underperforming systems. This bill is identical to SB 998.

*Patron - Scott, E.T.*

**HB2367 Health care data reporting; repeals sunset.** Repeals the July 1, 2008, sunset provision on health care data reporting. This bill is identical to SB 1112.

*Patron - Hamilton*

**HB2378 Health Commissioner; goals of licensure.** Requires the Commissioner to ensure, in the licensure of health care facilities, that quality of care, patient safety, and patient privacy are the overriding goals of such licensure and related enforcement efforts, to coordinate with the Department of Health's emergency preparedness and response efforts, and to ensure that prevention of disease and protection of public health remain the Department's overriding goals. This bill is identical to SB 1240.

*Patron - Hamilton*

**HB2393 Medical Examiner's reports and findings.** Requires that all Medical Examiner's reports shall be confidential and not available for discovery except as provided and creates additional exceptions for reports concerning the death of a prisoner committed to the custody of any local correctional facility. The bill also eliminates allowance for any form of disclosure other than aggregate or statistical form of disclosure.

*Patron - Nixon*

**HB2520 Health records privacy; exceptions.** Creates an exception to an individual's right of privacy in the content of his health records so that health care entities may disclose records to law-enforcement officers for the purpose of identifying or locating a suspect, fugitive, person required to register with the Sex Offender and Crimes Against Minors Registry, material witness, or missing person. Specifies the type of information that may be disclosed.

*Patron - Iaquinto*

**HB2523 Child Fatality Review Team to obtain presentence reports.** Authorizes the Chief Medical Examiner to obtain and review presentence reports of any person convicted of a crime that led to the death of a child investigated by the Child Fatality Review Team.

*Patron - Iaquinto*

**HB2546 Definition of projects that require certificate of public need.** Increases the amount of a capital expenditure not subject to the certificate of public need requirements from \$5 million to \$15 million. Also requires annual revision of this amount to reflect inflation beginning July 1, 2008.

*Patron - Hogan*

**HB2567 Human research review committees; publication of results.** Provides that each human research review committee of an institution or agency shall ensure that the approved human research projects and the results of such projects are made public on the institution's or agency's web-

site unless otherwise exempt from disclosure under the Virginia Freedom of Information Act.

*Patron - Shannon*

**HB2684 Revised Uniform Anatomical Gift Act (UAGA).** Replaces current provisions in the Virginia Code with this Act, which was adopted, in substantial part, by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in July of 2006. The original UAGA was promulgated by NCCUSL in 1968 and enacted by all states. In 1987, the UAGA was revised and updated, but only Virginia and 25 other states adopted that version. Since 1987, many states have adopted nonuniform amendments to their anatomical gift acts. This Act clarifies current law in Virginia, addresses the lack of uniformity among states, and brings the law into harmony with federal laws applicable to organ, tissue and eye donation. The revised Act addresses each step in the donation process and establishes rules of decision to resolve uncertainties and ambiguities that have arisen under prior versions of the UAGA. It ensures that if an individual wishes to make an anatomical gift or to refuse to make such a gift, those wishes will be respected without exception. It preserves the right of other persons to make an anatomical gift if the decedent did not make a gift during life, and clarifies how, to whom, and for what purpose, the gift may be made. The Act facilitates donation by expanding the list of persons who can make an anatomical gift and by establishing the priority and circumstances under which such persons may make a gift, including when they will be considered available to exercise their right to consent to, or refuse, an anatomical gift. There are numerous default rules for the interpretation of a document of gift that lacks specificity. The Act affirms that procurement organizations will have access to documents of gift in donor registries, medical records, and DMV records. It also provides that taking measures to preserve the viability of organs, tissues and eyes for their donative purpose is not inconsistent with a health-care directive requesting the withholding or withdrawal of life support systems. Other provisions address the relationship between the medical examiner and procurement organizations to ensure, to the maximum extent possible, that anatomical gifts are made from decedents under the jurisdiction of the medical examiner. The revised Act creates a new crime of falsification of a gift document and continues to prohibit the sale of bodies or body parts and increases the criminal penalty from a Class 6 to a Class 4 felony. This bill is identical to SB 918.

*Patron - Frederick*

**HB2691 Environmental Health Education and Training Fund; civil penalties.** Establishes the Environmental Health Education and Training Fund to support, train, educate, and recognize public- and private-sector individuals in all areas of environmental health. This bill directs the Board of Health to establish a schedule of civil penalties for violations of regulations governing onsite sewage systems, which shall be credited to the Fund. It also establishes a reinspection fee of \$250 for noncompliant onsite sewage systems, which fee shall be credited to the Fund.

*Patron - Suit*

**HB2692 Onsite Sewage Indemnification Fund; limitations.** Limits the amount that owners of permitted onsite sewage systems can receive from the fund to the cost of replacing the system or the costs of labor and equipment required to repair the system, with a total of not more than \$30,000. This bill also specifies the procedure for filing a claim and requires all claims to be filed within one year of the date the system or components thereof failed.

*Patron - Suit*

**HB2730 Hospital regulations; authorized visitor designation for hospital visitation.** Requires the Department of Health to establish regulations requiring each licensed hospital to include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to certain restrictions.

*Patron - Englin*

**HB2845 Emergency preparedness; orders of isolation and quarantine.** Makes several revisions to the procedures related to orders of quarantine and isolation. The bill also authorizes persons who are otherwise not authorized by law to administer or dispense all necessary drugs when the Governor has declared a disaster or a state of emergency and allows for electronic legal filings in order to protect the public from communicable diseases. The bill is identical to SB 1108.

*Patron - O'Bannon*

**HB2969 Supervised training programs for medical students; prohibition of unauthorized pelvic exams.** Prohibits students participating in a course of professional instruction or clinical training program from performing a pelvic examination on an anesthetized or unconscious female patient unless the patient or her authorized agent gives informed consent to such examination, the performance of such examination is within the scope of care ordered for the patient, or in the case of a patient incapable of giving informed consent, the examination is necessary for diagnosis or treatment of such patient.

*Patron - Bell*

**HB3043 Health Commissioner; minority health.** Requires the Commissioner to designate a senior staff member of the Department of Health, who shall be a licensed physician, to oversee minority health efforts of the Department.

*Patron - Spruill*

**HB3111 Tobacco Settlement Foundation; securitization of payments.** Authorizes the Governor to sell up to 10% of the revenues derived from the Master Settlement Agreement. Proceeds from the sale shall be deposited into the Tobacco Settlement Foundation Endowment.

*Patron - Janis*

**HB3134 Onsite sewage systems; operation and maintenance program.** Requires the Board of Health to establish a program for the operation and maintenance of alternative onsite sewage systems. Requires the owner of an alternative onsite sewage system to have the system operated by a licensed operator and visited by the operator as specified in the operation permit. Requires the Board to promulgate regulations to establish licensure requirements for operators of alternative onsite sewage systems. Establishes a statewide web-based reporting system to track the operation, monitoring, and maintenance requirements of each system, including its components, and requires reports on the results of site visits utilizing the web-based system. Creates a special fund to cover the costs of the program. Requires licensure, by the Board of Waterworks and Wastewater Works and Onsite Sewage System Professionals, of operators of alternative onsite sewage systems.

*Patron - Morgan*

**HB3138 Department of Medical Assistance Services; third party payments.** Conforms the Department of Medical Assistance Service's recovery of third party liability payments to the requirements of the federal Deficit Reduction Act of 2005.

*Patron - Hall*

**HB3167 Lead poisoning prevention.** Requires the Board of Health to promulgate regulations to require physicians to make available to parents information on the dangers of lead poisoning, along with a list of available resources, as part of regular well check visits for all children.

*Patron - Ebbin*

**HB3183 Pregnant Women Support Act.** Provides that, as a routine component of prenatal care, every licensed practitioner who renders prenatal care may provide information and support services to patients receiving a positive test diagnosis for Down Syndrome or other prenatally diagnosed conditions. This bill also creates the Virginia Pregnant Women Support Fund as a special nonreverting fund to be administered by the Board of Health to support women and families who are facing an unplanned pregnancy.

*Patron - Armstrong*

**HB3188 Electronic payment of Medicaid providers.** Requires the Department of Medical Assistance Services to utilize, to the extent practicable, electronic funds transfer technology for reimbursement to contractors and enrolled providers for the provision of health care services under Medicaid and FAMIS.

*Patron - Sickles*

**SB740 Certain certificate of public need for nursing facility or extended care services.** Adjusts the previously amended certificate of public need authorization for three continuing care facilities that are established for the care of retired military personnel and their spouses or widows or widowers to extend the deadline for discontinuing the admission of private-pay patients who are not contract holders from July 1, 2008, to July 1, 2013, if the facility's contract holder occupancy rate is less than 85%. This bill is identical to HB 1630.

*Patron - Herring*

**SB806 Donations of food to charitable organizations; deemed exempt from food service regulations.** Exempts charitable organizations that engage in food distribution to the needy from state and local regulations and ordinances that govern food service and preparation. Includes nonprofit homeless shelters and hunger prevention programs under the definition of "charitable organizations" for purposes of the exemption. Permits the Board of Health to issue advisory standards for food preparation, handling, protection, and preservation. The bill contains an emergency clause and will take effect upon passage. In addition, this bill incorporates SB 917 and SB 1125 and is identical to HB 2218.

*Patron - Puller*

**SB918 Revised Uniform Anatomical Gift Act (UAGA).** Replaces current provisions in the Virginia Code with this Act, which was adopted, in substantial part, by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in July of 2006. The original UAGA was promulgated by NCCUSL in 1968 and enacted by all states. In 1987, the UAGA was revised and updated, but only Virginia and 25 other states adopted that version. Since 1987, many states have adopted nonuniform amendments to their anatomical gift acts. This Act clarifies current law in Virginia, addresses the lack of uniformity among states, and brings the law into harmony with federal laws applicable to organ, tissue and eye donation. The revised Act addresses each step in the donation process and establishes rules of decision to resolve uncertainties and ambiguities that have arisen under prior versions of the UAGA. It ensures that if an individual wishes to make an anatomical gift or to refuse to make such a gift, those wishes will be respected without exception. It preserves the

right of other persons to make an anatomical gift if the decedent did not make a gift during life, and clarifies how, to whom, and for what purpose, the gift may be made. The Act facilitates donation by expanding the list of persons who can make an anatomical gift and by establishing the priority and circumstances under which such persons may make a gift, including when they will be considered available to exercise their right to consent to, or refuse, an anatomical gift. There are numerous default rules for the interpretation of a document of gift that lacks specificity. The Act affirms that procurement organizations will have access to documents of gift in donor registries, medical records, and DMV records. It also provides that taking measures to preserve the viability of organs, tissues and eyes for their donative purpose is not inconsistent with a health-care directive requesting the withholding or withdrawal of life support systems. Other provisions address the relationship between the medical examiner and procurement organizations to ensure, to the maximum extent possible, that anatomical gifts are made from decedents under the jurisdiction of the medical examiner. The revised Act creates a new crime of falsification of a gift document and continues to prohibit the sale of bodies or body parts and increases the criminal penalty from a Class 6 to a Class 4 felony. This bill is identical to HB 2684.

*Patron - Howell*

**SB998 Water systems; chronically noncompliant systems.** Defines "chronically noncompliant waterworks" as a waterworks that is unable to provide pure water for any of several enumerated reasons. Requires the Board of Health to promulgate regulations for the implementation of a program to (i) identify chronically noncompliant waterworks and (ii) create mechanisms or enforcement options for eliminating underperforming systems. Provides that, out of such funds as may be appropriated, the Commissioner of Health, with the assistance of the Office of the Attorney General, is authorized to enter into contracts for (a) the design of a program for the identification of noncompliant waterworks and (b) the development of enforcement options to carry out the provisions of this act. This bill is identical to HB 2366.

*Patron - Houck*

**SB1088 Pregnant Women Support Act.** Requires that, as a routine component of prenatal care, every licensed practitioner who renders prenatal care shall provide information and support services to patients receiving a positive test diagnosis for Down Syndrome or other prenatally diagnosed conditions. This bill also creates the Virginia Pregnant Women Support Fund as a special nonreverting fund to be administered by the Board of Health to support women and families who are facing an unplanned pregnancy.

*Patron - Puckett*

**SB1108 Emergency preparedness; orders of isolation and quarantine.** Makes several revisions to the procedures related to orders of quarantine and isolation. The bill also authorizes persons who are otherwise not authorized by law to administer or dispense all necessary drugs when the Governor has declared a disaster or a state of emergency and allows for electronic legal filings in order to protect the public from communicable diseases. This bill is identical to HB 2845.

*Patron - Wampler*

**SB1112 Health care data reporting; repeals sunset.** Repeals the July 1, 2008, sunset provision on health care data reporting. This bill is identical to HB 2367.

*Patron - Houck*

**SB1225 Health Commissioner; women's health.** Requires the Health Commissioner to designate a senior offi-

cial of the Department, who shall be a licensed physician or nurse practitioner, to coordinate all women's health efforts in the Department.

*Patron - Howell*

**SB1228 Sex offender registry notification; nursing homes and assisted living facilities.** Requires nursing homes and assisted living facilities, at the time a resident is admitted and during his stay, to provide the resident with notice of Virginia's sex offender registry, and how to access the registry on the State Police's website. The language is similar to the requirement in the Virginia Residential Property Disclosure Act. This bill is identical to HB 2346.

*Patron - Howell*

**SB1229 Sex offender registry; nursing homes and assisted living facilities.** Requires nursing homes, certified nursing facilities, and assisted living facilities to register with the Department of State Police to receive automatic notification of the registration of sex offenders within the same or a contiguous zip code area as the home or facility. The bill also requires such entities to ascertain, before admission, whether a potential admittee is a registered sex offender if it is anticipated that the admittee will stay for more than three days or if the admittee does in fact stay for more than three days. This bill is identical to HB 2345.

*Patron - Howell*

**SB1230 Required vaccinations; adds human papillomavirus vaccine.** Requires females to receive three properly spaced doses of human papillomavirus (HPV) vaccine. The first dose shall be administered before the child enters the sixth grade. After having reviewed materials describing the link between the human papillomavirus and cervical cancer approved for such use by the Board of Health, a parent or guardian may elect for his daughter not to receive this vaccine. This bill contains a delayed effective date of October 1, 2008. This bill is identical to HB 2035.

*Patron - Howell*

**SB1240 Health Commissioner; goals of licensure.** Requires the Commissioner to ensure, in the licensure of health care facilities, that quality of care, patient safety, and patient privacy are the overriding goals of such licensure and related enforcement efforts, to coordinate with the Department of Health's emergency preparedness and response efforts, and to ensure that prevention of disease and protection of public health remain the Department's overriding goals. This bill is identical to HB 2378.

*Patron - Quayle*

**SB1270 Sewage disposal; certification of certain workers.** Grants the Board of Health supervision and control over the maintenance, inspection and reuse of alternative onsite sewage systems. Requires the Board of Health to promulgate regulations governing the maintenance, inspection and use of alternative onsite sewage systems and the requirements for maintaining alternative onsite sewage systems. Re-establishes the Board for Waterworks and Wastewater Works Operators as the Board for Waterworks and Wastewater Works Operators and Onsite Sewage Systems Professionals, and expands the membership of the Board from seven to 11 members. Requires the Board to establish a program for licensing individuals as onsite soil evaluators, onsite sewage system installers, and onsite sewage system operators and to, in consultation with the Board of Health, adopt regulations for the licensure of certification of onsite soil evaluators, installers of alternative onsite sewage systems, and operators of alternative onsite sewage systems.

*Patron - Herring*

## Failed

**FHB1743 Disease prevention and control; Lyme disease.** Adds Lyme disease to the list of diseases required to be reported to the Department of Health.

*Patron - Marshall, R.G.*

**FHB1768 Stem cell research authorized; requirements.** Authorizes stem cell research involving the derivation and use of human embryonic stem cells, human embryonic germ cells, and human adult stem cells from any source if approved by the Stem Cell Research Oversight Committee. Requires each institution to establish a Stem Cell Research Oversight Committee specifically for the purpose of evaluating and approving such proposals and projects. Additionally, the bill requires that for embryonic stem cells to be eligible for research in the Commonwealth they must meet each of the following requirements: (i) the stem cells must have been donated from in vitro fertilization clinics and must have been created for the purposes of fertility treatment; (ii) the stem cells must have been in excess of the needs of the individuals seeking such treatment and would otherwise be discarded (as determined in consultation with the individuals seeking fertility treatment); and (iii) the stem cells must have been donated by such individuals with written informed consent and without any financial or other inducements.

*Patron - Shuler*

**FHB1883 Licensure of abortion clinics.** Requires all abortion clinics, defined as any facility other than a hospital or an ambulatory surgery center in which 25 or more first trimester abortions are performed in any 12-month period, to be licensed and to comply with the requirements currently in place for ambulatory surgery centers except the requirement for a certificate of public need. The Board of Health may also waive certain structural requirements.

*Patron - Marshall, R.G.*

**FHB1914 Required vaccinations; adds human papillomavirus vaccine.** Requires females to receive three properly spaced doses of human papillomavirus (HPV) vaccine. The first dose shall be administered on or after the child's eleventh birthday. After having reviewed materials describing the link between the human papillomavirus and cervical cancer approved for such use by the Board of Health, a parent or guardian may elect for his daughter not to receive this vaccine. This bill contains a delayed effective date of September 1, 2008. This bill was incorporated into HB 2035.

*Patron - Ward*

**FHB1950 Professional engineering design of onsite treatment works.** Requires the State Board of Health, the Commissioner of Health, and the Department of Health to accept private site evaluations and treatment works designs from licensed professional engineers. Establishes the procedure for submission and review of evaluations and designs.

*Patron - Morgan*

**FHB1951 Traditional onsite sewage system; definition.** Adds the definition of traditional onsite sewage system to Chapter 6 of Title 32.1.

*Patron - Morgan*

**FHB1952 Virginia Indoor Clean Air Act; smoking in restaurants; civil penalties.** Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are pro-

vided for (i) private homes, private residences, and private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) certain private functions held in public facilities; (iii) hotel or motel rooms not clearly designated as "non-smoking" rooms that are offered for lease or rent to the public; (iv) specialty tobacco stores; and (v) tobacco manufacturers. Signs stating "Warning: Smoking Permitted" must be posted by the proprietor of any exempt building or area when smoking is allowed. Any person who continues to smoke in an area in which smoking is prohibited will be subject to a civil penalty of not more than \$100 for the first offense, and \$250 for subsequent offenses. Failure to comply with the smoking restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses.

*Patron - Morgan*

**HB2005 Virginia Indoor Clean Air Act; smoking in restaurants; civil penalties.** Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for (i) private homes, private residences, and private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) certain private functions held in public facilities; (iii) hotel or motel rooms not clearly designated as "non-smoking" rooms that are offered for lease or rent to the public; (iv) specialty tobacco stores; and (v) tobacco manufacturers. Signs stating "Warning: Smoking Permitted" must be posted by the proprietor of any exempt building or area when smoking is allowed. Any person who continues to smoke in an area in which smoking is prohibited will be subject to a civil penalty of not more than \$100 for the first offense, and \$250 for subsequent offenses. Failure to comply with the smoking restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses.

*Patron - Callahan*

**HB2038 State medical assistance plan; DMAS to contract with DMHMRSAS for mental health services.** Creates a carve-out from the state medical assistance plan and requires DMAS to contract directly with DMHMRSAS for the provision of mental health services in underserved areas, as defined by the State Board of Health.

*Patron - Hamilton*

**HB2045 Health professions; authority to send laboratory results directly to patient.** Allows any doctor of medicine, osteopathy, chiropractic, podiatry, dentistry, optometry, or any licensed nurse practitioner as authorized pursuant to his practice protocol or licensed physicians assistant acting under the supervision of a licensed physician who orders a laboratory test of any person to request, in writing, that a copy of the report of the results of the test be provided by the laboratory directly to the subject of the test. The subject of the test shall then be considered authorized to receive the report for the purposes of the federal Clinical Laboratory Improvement Amendments. This bill was incorporated into HB 3061.

*Patron - McQuigg*

**HB2123 Fertility treatments; disclosure required of egg donors.** Requires physicians to disclose to any woman donating ova for use by another person all known risks of such donation, including (i) risks associated with the administration of ovulation stimulation drugs and (ii) risks associated with the harvesting of the ova. Also prohibits the anonymous donation of gametes for use in the treatment of infertility.

*Patron - Marshall, R.G.*

**HB2155 Certificate of Public Need.** Eliminates regional health planning agencies from the Certificate of Public Need (COPN) review process; exempts all equipment valued at less than \$500,000 from the requirement of a COPN; increases the review threshold for capital expenditures; streamlines the approval process by increasing the number of facilities and services for which the Commissioner may issue COPNs in response to a request for applications only; creates a reporting requirement in § 32.1-102.4, requiring facilities holding a certificate to report specified information related to patient and charity care volumes, expenditures, and revenues and establishes penalties for failure to report; allows the Department to refuse to accept an application that is not complete for a current review cycle; and makes other changes to streamline the COPN review and approval process.

*Patron - O'Bannon*

**HB2158 Adult Fatality Review Team; duties; membership; confidentiality; penalties; report; etc.** Requires the Commissioner of the Department of Health and the Chief Medical Examiner to develop an Adult Fatality Review Team (Team) to review suspicious deaths of adults in order to create a body of information to help prevent similar fatalities. The Team is charged with reviewing the death of any incapacitated adult of age 18 or older, and any adult of age 60 or older (i) who was the subject of an adult protective services investigation, or (ii) whose death was due to abuse or neglect or acts that suggest abuse or neglect, or (iii) whose death came under the jurisdiction of the Office of the Chief Medical Examiner pursuant to § 32.1-283. The bill sets forth duties, membership, confidentiality, reporting, and other requirements for the Team. The bill also exempts any information acquired during a review from the Virginia Freedom of Information Act.

*Patron - O'Bannon*

**HB2245 Virginia Indoor Clean Air Act; smoking in restaurants; civil penalties.** Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for (i) private homes, private residences, and private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) certain private functions held in public facilities; (iii) hotel or motel rooms not clearly designated as "non-smoking" rooms that are offered for lease or rent to the public; (iv) specialty tobacco stores; and (v) tobacco manufacturers. Signs stating "Warning: Smoking Permitted" must be posted by the proprietor of any exempt building or area when smoking is allowed. Any person who continues to smoke in an area in which smoking is prohibited will be subject to a civil penalty of not more than \$100 for the first offense, and \$250 for subsequent offenses. Failure to comply with the smoking restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses.

*Patron - Howell, A.T.*

**HB2256 Christopher Reeve Stem Cell Research Fund; human embryonic stem cells.** Allows the Fund to be used for research involving human embryonic stem cells.

*Patron - Waddell*

**HB2258 Donations of food to charitable causes; exception to food services regulations.** Exempts charitable organizations that engage in food distribution to the needy from both state and local food handling and preparation regulations with respect to requirements for commercial-grade kitchens and equipment. Includes nonprofit homeless shelters,

homeless and hunger prevention programs, and any volunteer who prepares food for such organizations under the definition of "charitable organizations" for purposes of this exception. This bill will take effect at the time of its passage due to the nature of its subject. This bill was incorporated into HB 2218.

*Patron - Rust*

**HB2274 Certificate of public need; deregulation of health care facilities.** Establishes a three-phase, three year plan for the repeal of the certificate of public need (COPN) program. Requires that providers of services COPN-deregulated services shall comply with licensure requirements promulgated and administered by the Board of Health, consistent with appropriate existing, nationally recognized accreditation standards and shall report claims data, certain quality outcome information for selected high risk procedures, and annual financial information on indigent care. Calls for studies of the effects of the deregulation and various related health care issues at each phase of the deregulation.

*Patron - Purkey*

**HB2276 Certificate of public need.** Establishes a two part review process for contested and uncontested applications; reduces review period for contested applications to 90 days and uncontested applications to 60 days. Reduces fees for certificates of public need to a maximum of \$10,000 for contested applications and \$5,000 for uncontested applications. Establishes requirement that final and complete certificate of public need applications may be no more than 20 pages in length. Applies provisions concerning personal interests in transactions to members of regional health planning agencies and requires members of regional health planning agencies to file personal disclosure statements.

*Patron - Purkey*

**HB2277 Certificates of Public Need.** Eliminates regional health planning agencies from the Certificate of Public Need review process.

*Patron - Purkey*

**HB2583 Health records; surgical complications reporting.** Requires physicians to report complications resulting from elective outpatient surgical procedures. The report shall not contain any identifying information. Willful failure to report shall constitute a Class 1 misdemeanor.

*Patron - Janis*

**HB2607 Regulations; nursing home staffing standards.** Requires the Board of Health to establish staffing standards in nursing homes regarding minimum hours of direct care services to include mandatory reporting of direct care service hours to the Department beginning July 1, 2009, and an increased minimum requirement by July 1, 2012. Provides that nursing homes which do not meet the new standards by July 1, 2014, shall not accept new patients. Requires the Board to adopt regulations to define direct care services and set procedures for quarterly reporting.

*Patron - Watts*

**HB2689 Virginia Indoor Clean Air Act; smoking in restaurants; civil penalties.** Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for (i) private homes, private residences, and private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) certain private functions held in public facilities; (iii) hotel or motel rooms not clearly designated as "non-

smoking" rooms that are offered for lease or rent to the public; (iv) specialty tobacco stores; and (v) tobacco manufacturers. Signs stating "Warning: Smoking Permitted" must be posted by the proprietor of any exempt building or area when smoking is allowed. Any person who continues to smoke in an area in which smoking is prohibited will be subject to a civil penalty of not more than \$100 for the first offense, and \$250 for subsequent offenses. Failure to comply with the smoking restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses.

*Patron - Oder*

**HB2717 Acknowledgments of paternity; certified copies.** Provides that the State Registrar of vital records shall provide certified copies of sworn statements or acknowledgments of paternity filed pursuant to § 20-49.1, 32-257, or 63.2-1914 upon the request of either party who executed the statement or acknowledgment or upon the request of the appropriate local Department of Social Services if it is providing services to the child who is the subject of the statement or acknowledgment.

*Patron - Barlow*

**HB2722 Medical assistance services; burial expenses disregard.** Increases the disregard from countable resources when calculating Medicaid eligibility from \$3,500 to \$5,000. This bill was incorporated into HB 1953.

*Patron - Nixon*

**HB2801 Land application of sewage sludge.** Requires that the local government certify as part of the state permit application to land apply sewage sludge that the site of the proposed spreading of sewage sludge is in compliance with all local ordinances. The bill also gives localities the authority to adopt an ordinance that reasonably restricts the land application of sewage sludge to certain areas or parcels based on public health, welfare, or safety criteria. The Department of Environmental Quality or the Department of Health permit application filled out by the person applying the sewage sludge is not considered complete until there is such local certification.

*Patron - Byron*

**HB2815 Commonwealth to purchase lowest cost appropriate medical products and services.** Requires the Commonwealth to purchase the lowest cost appropriate medical products and services available, including reprocessed devices.

*Patron - Sickles*

**HB2820 Virginia Biotechnology Company Seed and Early-Stage Investment Fund.** Creates a seed and early-stage investment fund for Virginia biotechnology companies. Moneys in the Fund come from appropriations, gifts, grants and donations. It will be administered by the Virginia Biotechnology Research Partnership Authority for early-stage biotech companies. The maximum amount awarded to any company shall not exceed \$500,000 per year.

*Patron - Sickles*

**HB2843 Health professions; authority to send laboratory results directly to patient.** Allows a licensed physician who orders a laboratory test or other examination of the physical or mental condition of any person to request, in writing, that a copy of the report of the results of the test or examination be provided by the person conducting the test or examination directly to the subject of the test or examination. The subject of the test or examination shall then be considered authorized to receive the report or result for the purposes of the

federal Clinical Laboratory Improvement Amendments. This bill was incorporated into HB 3061.

*Patron - Hall*

**HB2857 Stem cell research authorized; requirements.** Authorizes stem cell research involving the derivation and use of human embryonic stem cells, human embryonic germ cells, and human adult stem cells from any source if approved by the Stem Cell Research Oversight Committee. Requires each institution to utilize a Stem Cell Research Oversight Committee specifically for the purpose of evaluating and approving such proposals and projects. Additionally, the bill requires that for embryonic stem cells to be eligible for research in the Commonwealth they must meet each of the following requirements: (i) the stem cells must have been donated from in vitro fertilization clinics and must have been created for the purposes of fertility treatment; (ii) the stem cells must have been in excess of the needs of the individuals seeking such treatment and would otherwise be discarded (as determined in consultation with the individuals seeking fertility treatment); and (iii) the stem cells must have been donated by such individuals with written informed consent and without any financial or other inducements. This bill was incorporated into HB 1768.

*Patron - Moran*

**HB2937 Eligibility of certain aliens for state and local public benefits.** Provides that no state or local funds shall be awarded or otherwise disbursed to any organization when the award or disbursement is made with the intent of circumventing the provisions of this section by enabling such organization to provide the type of benefits or assistance to persons who are otherwise ineligible. Further provides that no organization receiving state or local funds shall use the funds to provide the type of benefits or assistance to persons who are otherwise ineligible for them.

*Patron - Miller, J.H.*

**HB3080 Investigation of deaths by medical examiner.** Specifies that a medical examiner shall make an in-person investigation on the scene or at the morgue into the cause and manner of death.

*Patron - Bell*

**HB3136 Land application of sewage sludge.** Prohibits the land application of sewage sludge beginning January 1, 2008, unless the sewage sludge is applied in the same locality in which it is generated. The departments that have oversight of the spreading of sewage sludge, the Health Department and the Department of Environmental Quality, are required to certify that the sewage sludge is being applied in a manner that protects human health and the environment, and the Department of Conservation and Recreation is to certify that the nutrient management plan for applying the sewage sludge protects water quality.

*Patron - Abbitt*

**HB3156 Plan for provision of medical assistance services; intensity based modulated radiation therapy (IMRT).** Requires the state plan to include provision for payment of medical assistance for IMRT to treat certain cancers and tumors under specified circumstances.

*Patron - Wittman*

**HB3166 Adult Fatality Review Team; duties; membership; confidentiality; penalties; report; etc.** Requires the Commissioner of the Department of Health and the Chief Medical Examiner to develop an Adult Fatality Review Team (Team) to review suspicious deaths of adults in order to create a body of information to help prevent similar

fatalities. The Team is charged with reviewing the death of any incapacitated adult age 18 or older, and any adult age 60 or older (i) who was the subject of an adult protective services investigation or (ii) whose death was due to abuse or neglect or acts that suggest abuse or neglect or (iii) whose death came under the jurisdiction of the Office of the Chief Medical Examiner pursuant to § 32.1-283. The bill sets forth duties, membership, confidentiality, reporting, and other requirements for the Team. The bill also exempts any information acquired during a review from the Virginia Freedom of Information Act.

*Patron - Ebbin*

**HB3170 Sewage sludge applications.** Requires a person seeking permits to apply sewage sludge to land to identify the specific sites where it will be applied. The bill also institutes a \$5,000 Health Department permit fee if an existing permit is amended to include additional acreage that is (i) greater than the acreage in the original permit and (ii) not contiguous to the sites identified in the original permit. Similarly, for permits issued by the Department of Environmental Quality, the addition of acreage greater than the acreage in the original permit would require an amendment to the permit and would be considered a major modification. As a major modification to the permit, the fee would be 50% of the fee charged for the original permit. This bill was incorporated into HB 2802.

*Patron - Cline*

**SB839 Vital records; issuance of social security numbers.** Requires the use of the Social Security Administration's Enumeration at Birth Program for the issuance of a social security number in conjunction with all live births occurring in the Commonwealth.

*Patron - Devolites Davis*

**SB958 Emergency service providers; advanced life support procedures.** Requires the Board of Health to promulgate regulations to allow certified advanced life support providers, in emergency situations where a second emergency provider who is at least a certified emergency medical technician is not available, to perform advanced life support procedures with whatever support may be available. In such situations, the certified advanced life support provider shall not be held liable, provided his actions are otherwise in compliance with all applicable laws and regulations.

*Patron - Quayle*

**SB995 Medicaid eligibility; young adults transitioning from foster care.** Requires the Department of Medical Assistance Services to amend the state plan to provide for the payment of medical assistance, pursuant to The Foster Care Independence Act of 1999, for any individual who (i) was receiving foster care services on his eighteenth birthday, (ii) continues to receive independent living services pursuant to § 63.2-905.1, and (iii) has not yet reached his twenty-first birthday. Such individuals shall not be subject to Medicaid income limits. This bill is dependent upon an appropriation of general funds in the 2007 General Assembly session.

*Patron - Blevins*

**SB1161 Virginia Smoke Free Air Act; smoking in restaurants; civil penalties.** Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for (i) private homes, private residences, and private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) certain private functions held in public facilities; (iii) hotel or