

Courts of Record

Passed

HB917 Preservation of papers in court clerk's office. Requires that all papers in the clerk's office be preserved in the office, even if reproduced electronically, and shall be destroyed only in accordance with law. This bill is identical to SB 180.

Patron - Joannou

HB945 Court of Appeals; en banc hearings. Clarifies that when there is a dissent in a panel opinion and an aggrieved party requests an en banc hearing, at least four judges of the court must vote in favor of the hearing. The bill makes it clear that the voting judges must be active and would not include retired judges sitting by designation. This bill is identical to SB 605.

Patron - Iaquinto

HB1106 Circuit Court clerks; electronic filing and recording; digital reproduction; recordation of judgments; secure remote access; deed cover sheets; fees collected by clerks. Clarifies a number of issues for circuit court clerks including: use of the last four digits of a social security number on judgments (filer is responsible); that the clerk may provide information from a locality to remote access users; filer is responsible for cover sheet accuracy; allowing the clerk to rely on the cover sheet to index; the difference between e-filing of court records and e-recording of land records. The bill also provides standard definitions of subscriber, secure remote access, public access, and electronic recording of land records. The bill also establishes a \$5 per document fee for e-recording of a land record and provides for a \$50 per month subscription rate for remote access to land, civil, and criminal records. This bill is identical to SB 622.

Patron - Kilgore

SB180 Preservation of papers in court clerk's office. Requires that all papers in the clerk's office be preserved in the office, even if reproduced electronically, and shall be destroyed only in accordance with law. This bill is identical to HB 917.

Patron - Marsh

SB248 Additional fees in certain courts; use by Virginia State Bar. Increases the civil action filing fee in circuit and district court to \$10. Currently, the fee is \$5. The additional \$5 would be deposited into the Legal Aid Services Fund.

Patron - Howell

SB563 Cases held under advisement; time limit. Provides that whenever a judge of a circuit court holds a civil case under advisement for more than 90 days after final submission of the case, the court shall report, in writing, to the parties or their counsel an expected time of a decision. If such a judge (i) holds a civil case under advisement for more than 90 days, (ii) fails to make the required written report, or (iii) fails to render a decision within the expected time stated in the report, any party may notify the Chief Justice of the Supreme Court. Whenever the Chief Justice, or any justice designated by him, has reasonable cause to believe that any judge of a court of record may be holding a civil case under advisement for an unreasonable length of time, he shall inquire into the cause of the delay and shall, if necessary, designate a judge or retired judge of a court of record to assist the regular judge in the performance of his duties. As introduced, this bill was a recommendation of the Boyd-Graves Conference.

Patron - Obenshain

SB605 Court of Appeals; en banc hearings. Clarifies that when there is a dissent in a panel opinion and an aggrieved party requests an en banc hearing, at least four judges of the court must vote in favor of the hearing. The bill makes it clear that the voting judges must be active and would not include retired judges sitting by designation. This bill is identical to HB 945.

Patron - Stolle

SB622 Circuit Court clerks; electronic filing and recording; digital reproduction; recordation of judgments; secure remote access; deed cover sheets; fees collected by clerks. Clarifies a number of issues for circuit court clerks including: use of the last four digits of a social security number on judgments (filer is responsible); that the clerk may provide information from a locality to remote access users; filer is responsible for cover sheet accuracy; allowing the clerk to rely on the cover sheet to index; the difference between e-filing of court records and e-recording of land records. The bill also provides standard definitions of subscriber, secure remote access, public access, and electronic recording of land records. The bill establishes a \$5 per document fee for e-recording of a land record and provides for a subscription rate not to exceed \$50 per month for remote access to land records. This bill is identical to HB 1106.

Patron - Stolle

Failed

HB428 Rules of the Supreme Court of Virginia. Directs the Supreme Court, upon the recommendation of the Virginia Association of Commonwealth's Attorneys, to adopt rules governing procedures for the investigation and prosecution of election law violations.

Patron - Marshall, R.G.

HB712 Judicial vacancies. Removes the requirement that the Committee on District Courts and the Supreme Court certify vacancies in the judiciary prior to the legislature filling those vacancies.

Patron - Janis

HB818 Number of circuit court judges. Adds an additional circuit court judge to each of the following circuits: 10th (Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, Prince Edward); 14th (Henrico); 15th (Fredericksburg, Caroline, Essex, Hanover, King George, Lancaster, Northumberland, Richmond, Spotsylvania, Stafford, Westmoreland); 26th (Harrisonburg, Winchester, Clarke, Frederick, Page, Rockingham, Shenandoah, Warren); 27th (Galax, Radford, Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski, Wythe); and 30th (Norton, Lee, Scott, Wise). This bill is a recommendation of Judicial Council.

Patron - Albo

HB916 Supreme Court; circuit court case management system. Requires that any changes in circuit court clerks' technology plans which modify or supplant the statewide case or financial automated systems be approved by the Executive Secretary. The bill also requires the Compensation Board to consider local funds expended on circuit court technology plans in weighing technology funding requests.

Patron - Joannou

HB1169 Fixed misdemeanor and fixed felony fees. Increases the felony and misdemeanor fixed fees by \$3. The increase will go to the Virginia Crime Victim-Witness Fund, which is a nonreverting fund administered by the Department

of Criminal Justice Services to support victim and witness programs.

Patron - Cosgrove

HB1295 Supreme Court; direct appeals. Provides that the Supreme Court, on its own motion or upon application of Attorney General, may certify a case for determination by the Supreme Court before it has been determined by the circuit court whenever a general district court or an administrative agency renders a decision declaring that a statute or a regulation of the Commonwealth is unconstitutional on its face or as applied.

Patron - Athey

HB1368 Per diem compensation for substitute and retired judges. Increases the daily per diem rate for substitute and retired judges from \$200 to \$250.

Patron - Jones, S.C.

HB1499 Fees collected by the court; legal aid services. Increases the additional filing fees collected to fund legal aid services from \$5 to \$10.

Patron - Kilgore

SB181 Supreme Court; circuit court case management system. Requires that any changes in circuit court clerks' technology plans which modify or supplant the statewide case or financial automated systems be approved by the Executive Secretary. The bill also requires the Compensation Board to consider local funds expended on circuit court technology plans in weighing technology funding requests.

Patron - Marsh

SB547 Criminal appeals. Provides that in order to appeal a circuit court conviction of a traffic infraction or a crime the defense counsel or the trial judge must certify that there is a legitimate issue for appeal.

Patron - Hurt

Carried Over

SB18 Mental health courts; pilot program. Directs the Office of the Executive Secretary of the Supreme Court to establish by January 1, 2009, no less than two and no more than five mental health courts in Virginia for nonviolent offenders with serious mental illnesses.

Patron - Edwards

SB178 Number of circuit court judges. Adds an additional circuit court judge to each of the following circuits: 10th (Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, Prince Edward); 14th (Henrico); 15th (Fredericksburg, Caroline, Essex, Hanover, King George, Lancaster, Northumberland, Richmond, Spotsylvania, Stafford, Westmoreland); 26th (Harrisonburg, Winchester, Clarke, Frederick, Page, Rockingham, Shenandoah, Warren); 27th (Galax, Radford, Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski, Wythe); and 30th (Norton, Lee, Scott, Wise). This bill is a recommendation of Judicial Council.

Patron - Marsh

Crimes and Offenses Generally

Passed

HB34 Aggravated sexual battery; penalty. Provides that it is a Class 1 misdemeanor for any person 18 years of age or older to, with lascivious intent, kiss a child under the age of 13 on the mouth while knowingly and intentionally penetrating the mouth of such child with his tongue. A convicted offender must register on the sex offender registry.

Patron - Ingram

HB134 Department of Charitable Gaming; prohibited practices acts; bingo prize money. Allows qualified organizations to sell bingo cards and the sheets used for bingo jackpot games with other bingo games. The bill provides, however that bingo jackpot cards and sheets must continue to be accounted for separately than other bingo games.

Patron - Albo

HB159 Stolen property; criminal investigation. Provides that if a person buys or receives any goods used in the course of a criminal investigation by law enforcement that the person believes are stolen, he is deemed guilty of larceny of the goods.

Patron - Albo

HB223 Offenses prohibiting proximity to children; penalty. Provides that any adult who is convicted of an offense prohibiting proximity to children, when the offense occurred on or after July 1, 2008, shall as part of his sentence be forever prohibited from going, for the purpose of having any contact whatsoever with children that are not in his custody, within 100 feet of the premises of any place owned or operated by a locality that he knows or should know is a playground, athletic field or facility, or gymnasium. A violation is a Class 6 felony. This bill incorporates HB 705.

Patron - Cosgrove

HB529 Concealed handgun permits; renewal and replacement permits. States that when a new five-year permit is issued while there is an existing valid permit, the new permit becomes effective upon the expiration of the existing permit, so long as the application is received by the court at least 90 days but no more than 180 days prior to the expiration of the existing permit. The bill also allows a person with a concealed handgun permit who moves from one residence to another in Virginia to receive, for a fee not to exceed \$10, a replacement permit indicating the new address. The permittee would receive the replacement permit from the clerk of the circuit court that issued the original permit.

Patron - Pogge

HB567 Sex offenses prohibiting entry onto school property; penalty. Provides that every adult who is convicted of a sexually violent offense, as defined in § 9.1-902, shall be prohibited from entering and being present upon any property he knows or has reason to know is a public or private elementary or secondary school or child day center property during school-related and school-sponsored activities. Currently, the prohibition only applies during school hours.

Patron - Crockett-Stark

HB597 Crimes; effect of subsequent marriage to child over 14 years of age. Repeals the code section that provides a defense to carnal knowledge of a child 14 years of age

or older when there is a subsequent marriage of the victim and the perpetrator. SB 608 is identical.

Patron - McClellan

HB622 Sex offenses prohibiting residing in proximity to children; penalty. Prohibits an adult convicted of certain sex offenses from living within 500 feet of a public park that is owned and operated by a county, city or town, shares a boundary line with a primary, secondary or high school and is regularly used for school activities. A violation is a Class 6 felony and there is an exception if the public park was established subsequent to the offender's conviction.

Patron - Brink

HB709 Purchase of firearms; consent form; mental health questions. Requires that a person seeking to purchase a firearm from a firearms dealer answer questions on the state background check consent form concerning whether the applicant has ever been acquitted by reason of insanity, been adjudicated legally incompetent or mentally incapacitated, or been involuntarily admitted to a facility or involuntarily ordered to out-patient mental health treatment. This bill is identical to SB 226.

Patron - Janis

HB719 Punishment for underage drinking and driving; penalty. Provides that "zero tolerance" (0.02% BAC) underage drinking and driving is punishable as a Class 1 misdemeanor. Currently, the punishment is loss of license for six months and a fine of no more than \$500. This bill provides for forfeiture of such person's license to operate a motor vehicle for a period of one year from the date of conviction and either a mandatory minimum fine of \$500 or 50 hours of community service. The bill has a sunset date of July 1, 2010, and provides that the Department of Criminal Justice Services will report to the Chairmen of the House and Senate Committees for Courts of Justice on the bill's effect on Virginia's participation under the federal Juvenile Justice and Delinquency Prevention Act.

Patron - Janis

HB830 Affidavit as evidence of sex offender's failure to register; custodian of records. Provides that a person accused of failing to register or reregister as a sex offender may call, in any hearing or trial where an affidavit from the State Police stating the failure to register or reregister is admitted into evidence, the custodian of records issuing the affidavit as a witness. The custodian of records will be considered to be an adverse witness and he shall be summoned and appear at the cost of the Commonwealth.

Patron - Kilgore

HB842 Concealed weapons; retired Capitol Police. Exempts retired Capitol Police officers from the concealed weapons permit requirements.

Patron - Sherwood

HB873 Concealed handgun permits; proof of competency with a handgun. Provides that once an applicant for a concealed handgun permit presents proof of competency such demonstrated competency will never expire.

Patron - Johnson

HB931 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 provisions of the bill will become effective only if an appropriation of general funds effectuating the purposes of the bill is included in a general appropriations act. This bill is identical to SB 562.

Patron - Gilbert

HB933 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, a 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 SB 560. **This bill was vetoed by the Governor.**

Patron - Gilbert

HB990 Pyramid promotional schemes; penalty. Revises the definition of "pyramid promotional scheme," "compensation," and "consideration" and provides that in addition to the Class 1 misdemeanor for contriving, preparing, setting up, operating, advertising or promoting a pyramid promotional scheme, such activity constitutes a prohibited practice under the Virginia Consumer Protection Act. This bill is identical to SB 95.

Patron - Bell

HB995 Unlawful filming of another; penalty. Provides that the third offense of unlawful filming of another is a Class 6 felony. Under current law unlawful filming is a felony only if it involves a nonconsenting person under the age of 18.

Patron - Bell

HB1178 False signatures; penalty. Provides that any person who maliciously affixes a facsimile or likeness of the signature of another person to any writing without the permission of that person and with the intent to create the false impression that the writing was signed by that person is guilty of a Class 1 misdemeanor.

Patron - Lingamfelter

HB1220 Carrying concealed handguns; law-enforcement officers on long-term leave. Allows a law-enforcement officer on long-term leave due to a service-related injury to carry a concealed handgun without a permit, so long as such officer receives written proof of consultation and favorable review to carry a concealed handgun from the law-enforcement agency that employs the officer. The proof of consultation would only be valid until the officer returns to work or terminates his employment with the agency, unless he retires on dis-

ability because of the service-related injury in which case he may retain it.

Patron - Bowling

HB1241 Credit card theft; venue. Provides that a prosecution for credit card theft may be had in any county or city where a credit card number is used, is attempted to be used, or is possessed with intent to commit credit card forgery or fraud.

Patron - Moran

HB1362 Misuse of public assets. Provides that any full-time officer, agent, or employee of the Commonwealth, or political subdivision who, without lawful authorization, uses or permits the use of public assets for private or personal purposes unrelated to the duties and office of the accused or any other legitimate government interest when the value of such use exceeds \$1,000 in any 12-month period, is guilty of a Class 4 felony. The bill defines public assets as any personal property belonging to or paid for by a public body or the labor of any person other than the accused that is paid for by the public body. This bill is identical to SB 350.

Patron - Cline

HB1414 Revocation of concealed handgun permits; notification of the State Police. Requires the court that issued a person a concealed handgun permit to revoke the permit upon notification by the State Police that the person has been convicted of an offense that would disqualify him from obtaining a permit or if the person is adjudicated legally incompetent, mentally incapacitated, or is involuntarily committed. The law currently requires such persons to forfeit and surrender their concealed handgun permits, but does not require the issuing court to revoke the permit.

Patron - Scott, J.M.

HB1442 DUI ignition interlock limitations. Requires the implementation of ignition interlock for a violation of the conditions of a restricted license. The bill has an effective date of October 1, 2008.

Patron - Iaquinto

HB1469 Database breach notification. Requires an individual or entity that owns or licenses computerized data that includes personal information to disclose any breach of the security of the system following discovery or notification of the breach to the Office of the Attorney General and any affected resident of the Commonwealth whose unencrypted and unredacted personal information was, or is reasonably believed to have been accessed and acquired by an unauthorized person. A breach is defined as the unauthorized access and acquisition of unencrypted and unredacted computerized data that compromises the security or confidentiality of personal information maintained by an individual or entity as part of a database of personal information regarding multiple individuals and that causes, or the individual or entity reasonably believes has caused, or will cause, identity theft or other fraud to any resident of the Commonwealth. Violations by a state-chartered or licensed financial institution shall be enforceable exclusively by the financial institution's primary state regulator. Violations by an entity regulated by the State Corporation Commission shall be enforceable exclusively by the Commission. All other violations shall be enforced by the Office of the Attorney General, which may impose a civil penalty not to exceed \$150,000 per breach or series of breaches of a similar nature that are discovered in a single investigation. The bill specifies that its provisions do not limit an individual from recovering direct economic damages. This bill incorporates HB

390, HB 971, HB 1052, and HB 1504. This bill is identical to SB 307.

Patron - Byron

SB26 RICO; dogfighting. Adds organized dogfighting as a qualifying offense under the Virginia Racketeer Influenced and Corrupt Organization Act.

Patron - Reynolds

SB95 Pyramid promotional schemes; penalty. Revises the definition of "pyramid promotional scheme," "compensation," and "consideration" and provides that in addition to the Class 1 misdemeanor for contriving, preparing, setting up, operating, advertising or promoting a pyramid promotional scheme, such activity constitutes a prohibited practice under the Virginia Consumer Protection Act. This bill is identical to HB 990.

Patron - Reynolds

SB216 Involuntary mental health treatment; purchase of firearms; reporting to Central Criminal Records Exchange. Clarifies that orders for both involuntary inpatient and outpatient mental health treatment must be forwarded by the clerk of court to the Central Criminal Records Exchange, and that persons ordered to either involuntary inpatient or outpatient treatment or persons who were the subject of a temporary detention order and who subsequently agreed to voluntary commitment, are prohibited from purchasing, possessing, or transporting a firearm. This portion of the bill codifies Executive Order 50 (2007). The bill also provides that persons found incompetent to stand trial are prohibited from possessing or transporting a firearm. A person who is prohibited from possessing a firearm because he was (i) acquitted by reason of insanity, (ii) found incompetent to stand trial, or (iii) involuntarily committed to inpatient or outpatient mental health treatment, may petition the general district court to have his right to possess a firearm restored. Such petition shall be granted if the court finds that the person's disabilities and his criminal history, treatment record, and reputation are such that the person will not be likely to act in a manner dangerous to public safety and that granting the petition will not be contrary to the public interest. The bill also provides that clerks of court shall forward to the Central Criminal Records Exchange any orders affecting an individual's right to possess a firearm, such as if a person is acquitted by reason of insanity, is found incompetent to stand trial, or has the right to possess a firearm restored by a court order. This bill is identical to HB 815.

Patron - Edwards

SB222 Possession of firearms by persons who committed felonies while juveniles. Provides that despite the date of his conviction, a juvenile adjudicated delinquent of certain heinous felonies shall not, when he reaches the age of 29 years, be entitled to possess a firearm. Currently, the prohibition on possession after the age of 29 exists only for juvenile felonies committed on or after July 2005.

Patron - McDougle

SB226 Purchase of firearms; consent form; mental health questions. Requires that a person seeking to purchase a firearm from a firearms dealer answer questions on the state background check consent form concerning whether the applicant has ever been acquitted by reason of insanity, been adjudicated legally incompetent or mentally incapacitated, or been involuntarily admitted to a facility or involuntarily ordered to outpatient mental health treatment. This bill is identical to HB 709.

Patron - McDougle

SB307 Database breach notification. Requires an individual or entity that owns or licenses computerized data that includes personal information to disclose any breach of the security of the system following discovery or notification of the breach to the Office of the Attorney General and any affected resident of the Commonwealth whose unencrypted and unredacted personal information was, or is reasonably believed to have been accessed and acquired by an unauthorized person. A breach is defined as the unauthorized access and acquisition of unencrypted and unredacted computerized data that compromises the security or confidentiality of personal information maintained by an individual or entity as part of a database of personal information regarding multiple individuals and that causes, or the individual or entity reasonably believes has caused, or will cause, identity theft or other fraud to any resident of the Commonwealth. Violations by a state-chartered or licensed financial institution shall be enforceable exclusively by the financial institution's primary state regulator. Violations by an entity regulated by the State Corporation Commission shall be enforceable exclusively by the Commission. All other violations shall be enforced by the Office of the Attorney General, which may impose a civil penalty not to exceed \$150,000 per breach or series of breaches of a similar nature that are discovered in a single investigation. The bill specifies that its provisions do not limit an individual from recovering direct economic damages. This bill is identical to HB 1469.

Patron - Reynolds

SB350 Misuse of public assets; penalty. Provides that any full-time officer, agent, or employee of the Commonwealth, or political subdivision who, without lawful authorization, uses or permits the use of public assets for private or personal purposes unrelated to the duties and office of the accused or any other legitimate government interest when the value of such use exceeds \$1,000 in any 12-month period, is guilty of a Class 4 felony. The bill defines public assets as any personal property belonging to or paid for by a public body or the labor of any person other than the accused that is paid for by the public body. This bill is identical to HB 1362.

Patron - Reynolds

SB382 Sale of firearms to persons not lawfully present in the United States; penalty. Prohibits the sale or transfer of firearms to any person who is not a citizen of the United States and who is not lawfully present in the United States. A violation of this section is a Class 6 felony.

Patron - Martin

SB436 Possession of concealed weapons in vehicles. 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. **This bill was vetoed by the Governor.**

Patron - Vogel

SB439 Testing of certain defendants for HIV or hepatitis B or C viruses. States when in the criminal process the victim of a sexual assault may request and when the court may order a defendant to submit to tests for human immunodeficiency virus and hepatitis B or C viruses.

Patron - Vogel

SB476 Concealed handguns; restaurants; penalty. Prohibits a person who carries a concealed handgun onto the premises of a restaurant or club from consuming an alcoholic beverage while on the premises. A person who carries a concealed handgun onto the premises of a restaurant or club shall

inform a designated employee of the restaurant or club of that fact. A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor and a person who becomes intoxicated in violation of the provisions of the bill is guilty of a Class 1 misdemeanor. **This bill was vetoed by the Governor.**

Patron - Hanger

SB560 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, a 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 933. **This bill was vetoed by the Governor.**

Patron - Obenshain

SB562 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 provisions of the bill will become effective only if an appropriation of general funds effectuating the purposes of the bill is included in a general appropriations act. This bill is identical to HB 931.

Patron - Obenshain

SB696 Charitable gaming; conduct of raffles. Allows each stub or other detachable section of each ticket won through some other authorized charitable game conducted by the same organization holding the raffle to be included in the raffle drawing.

Patron - Colgan

SB776 Concealed weapons; attorney for the Commonwealth may carry without a permit. Authorizes an attorney for the Commonwealth or an assistant attorney for the Commonwealth to carry a concealed handgun without obtaining a permit wherever such attorney may travel in the Commonwealth. Current law only authorizes an attorney for the Commonwealth 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 - Hurt

Failed

HB45 Fraudulently assisting illegal aliens; penalty. Provides that any person, knowing an individual is an alien in the United States unlawfully, who, with the intent to violate the immigration laws of the United States, fraudulently assists the illegal alien in acquiring or attempting to acquire a benefit, service, status, or privilege to which the illegal alien is not lawfully entitled, is guilty of a Class 1 misdemeanor.

Patron - Tata

HB81 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.

HB136 Definition of "school" for the purposes of prohibiting weapons on school grounds. Defines "school" for the purposes of prohibiting weapons on school grounds as any public school from kindergarten through grade 12 operated under the authority of any locality within the Commonwealth, or any private or religious school that offers instruction at any level or grade from kindergarten through grade 12. Currently the definition is limited to any elementary, middle, or secondary school.

Patron - Peace

HB160 Punishment for using emergency exit during larceny. Provides that when a person is convicted of larceny and it is found at trial that, in the commission of the offense, he used an exit door erected and maintained to comply with the requirements of 29 C.F.R. § 1910 Subpart E, or any other exit designated for use as an emergency exit to exit the premises of a store, he is guilty of a Class 6 felony.

Patron - Albo

HB169 Concealed weapons; box cutters; penalty. Adds box cutters to the list of weapons that are prohibited from being carried concealed.

Patron - Albo

HB210 Armed security officers; protection of private schools and child day centers. States that armed security officers, licensed by the Department of Criminal Justice Services, may carry firearms onto school property if such officer is hired by the school to provide protection to students and employees, and prohibits the Child Day-Care Council from adopting any regulations that would prevent a child day center from hiring such an armed security officer.

Patron - Cole

HB224 Driving while intoxicated; elimination of requirement that intoxicant be self-administered. Eliminates the requirement that a person be under the influence of a self-administered intoxicant or drug in order to be convicted of driving while intoxicated. Instead, a person may be convicted if he operates a motor vehicle while under the influence of any self-administered narcotic drug or any other intoxicant or drug

or any such substance he knows was administered to him. This bill incorporates HB 558.

Patron - Cosgrove

HB226 Charitable gaming; use of proceeds. Provides that the percentage, determined by the Charitable Gaming Board, which an organization must use for charitable purposes, is based on net receipts of the organization and not its gross receipts from charitable gaming.

Patron - Cosgrove

HB281 Protective orders; possession of firearms. Prohibits a person subject to a protective order from possessing a firearm. Currently, persons subject to such orders are prohibiting from purchasing and transporting firearms.

Patron - Toscano

HB296 Death penalty; moratorium on executions. Provides that the Commonwealth shall not conduct executions of prisoners sentenced to death for a period of five years. All other matters of law relating to the death penalty, such as bringing and trying capital charges, sentencing proceedings, imposition of a death sentence, appeals and habeas review are not affected by the bill.

Patron - Hargrove

HB299 Crimes; death penalty. Abolishes the death penalty for all Class 1 felonies committed on or after July 1, 2007.

Patron - Hargrove

HB321 Assault or an assault and battery upon any juvenile correctional officer. Provides that an assault or an assault and battery upon any juvenile correctional officer or other person directly involved in the care, treatment, or supervision of juveniles who are in a juvenile correctional facility, in a secure juvenile detention facility, or in a secure facility operated by or under contract with the Department of Juvenile Justice is a Class 6 felony. This bill expands the class of individuals for whom, if they are victims of an assault, there is a greater penalty for the crime.

Patron - Saxman

HB334 Crimes; larceny of certain animals. Makes it a Class 5 felony to steal a cat.

Patron - McClellan

HB335 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 is incorporated into HB 1328.

Patron - McClellan

HB370 Concealed handgun permit applications; access to personal information. Prohibits a clerk of a circuit court and the Department of State Police from disseminating to the public any personal identifying information contained on an application for a concealed handgun permit or a court order issuing a permit. This bill was incorporated into HB 982.

Patron - Carrico

HB384 Computer trespass; penalty. Alters the elements of the crime of computer trespass, no longer requiring that a person act with malicious intent in order to be guilty but

requiring that the crime be committed without the consent and authorization of the computer's owner.

Patron - Ware, R.L.

HB385 Computer invasion of privacy; personal information; penalties. Expands the type of information, the examination of which without authority would constitute the crime of computer invasion of privacy, to include any personal information relating to any other person as well as another person's name and date of birth.

Patron - Ware, R.L.

HB386 Computer crimes; exclusion of evidence. Provides that information or evidence acquired in violation of Article 7.1, dealing with computer crimes, of Chapter 5 of Title 18.2 may not be used as evidence in any civil or criminal trial or other proceeding.

Patron - Ware, R.L.

HB422 Abortion post-viability a felony. Provides that no abortion shall be performed following a determination by two physicians that the fetus to be aborted is viable. A violation is a Class 4 felony.

Patron - Marshall, R.G.

HB429 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 when the pregnant female is less than 18 years of age, the person is guilty of a Class 6 felony.

Patron - Marshall, R.G.

HB435 Failure to identify oneself to a law-enforcement officer; penalty. Provides that any person who while in a public place or a place open to the public refuses to identify himself at the request of a law-enforcement officer in uniform or a properly identified police officer, when the surrounding circumstances reasonably require that public safety requires such identification, is guilty of a Class 1 misdemeanor.

Patron - Frederick

HB491 Elements of indecent exposure. Provides that any person who (i) intentionally makes an obscene display or exposure of his person, or the private parts thereof, in (a) any public place, or (b) any place where others may see him, intending to be seen by others, or (ii) procures another to so expose himself, is guilty of a Class 1 misdemeanor. The section previously provided that such person was guilty of indecent exposure if the display was done in any public place or in any place where others are present, and did not include the requirement that he intended the display or exposure to be seen by others.

Patron - Amundson

HB495 Punishment of the offense of impersonating a police officer; penalty. Raises the punishment for the offense of impersonating a police officer from a Class 1 misdemeanor to a Class 6 felony.

Patron - Cosgrove

HB496 Crimes; the definition of "predicate criminal act" under the Crimes by Gangs Act. Includes within the definition the shooting at certain vehicles (§ 18.2-154) and the shooting within an occupied dwelling (§ 18.2-279).

Patron - Cosgrove

HB535 Involuntary mental health treatment; purchase of firearms; reporting to Central Criminal Records Exchange. Clarifies that orders for both involuntary inpatient

and outpatient mental health treatment must be forwarded by the clerk of court to the Central Criminal Records Exchange, and that persons ordered to either involuntary inpatient or outpatient treatment are prohibited from purchasing, possessing, or transporting a firearm. This bill codifies Executive Order 50 (2007). This bill has been incorporated into HB 815.

Patron - Mathieson

HB550 Applicability of the implied consent law. Provides that the provisions of the law of implied consent (to the DUI breath or blood test) shall apply notwithstanding the inability of the person so arrested to comprehend, because of his state of inebriation or inability to understand the English language, the advisement of the arresting officer or the person administering the test.

Patron - Griffith

HB554 Computer crimes; website redirection; penalty. Adds a Class 6 felony to the list of computer trespass crimes if a person, with malicious intent, intentionally alters the markup language or Uniform Resource Locator (URL) of a website so as to redirect a user from his intended URL or website destination to a third-party URL or website.

Patron - Griffith

HB558 Driving while intoxicated; elimination of requirement that intoxicant be self-administered. Eliminates the requirement that a person be under the influence of a self-administered intoxicant or drug in order to be convicted of driving while intoxicated. Instead, a person may be convicted if he operates a motor vehicle while he knows or should know that he is under the influence of an intoxicant or drug. This bill has been incorporated into HB 224.

Patron - Valentine

HB574 Child sex offenses. Creates a number of new crimes labeled "indecent liberties with children" that mirror, and expand upon, existing offenses but with new victim age classifications and specific offender classifications. The bill also provides that any person who is convicted of such an offense and was previously convicted of such an offense or of any offense set forth in subsection B of § 18.2-67.5:2 (felony sexual assaults) shall upon conviction be sentenced to the maximum term authorized for the offense and shall not have all or any part of his sentence suspended.

Patron - Watts

HB588 Concealed weapons; pneumatic guns; penalty. Prohibits the carrying of concealed pneumatic guns.

Patron - Marsden

HB589 Hazing and gangs; penalty. Provides that voluntarily submitting to hazing as a part of gang initiation is a Class 3 misdemeanor and that engaging in an act of carnal knowledge with the subject of such hazing is a Class 1 misdemeanor.

Patron - Marsden

HB590 Crimes by gangs; predicate criminal act. Adds to the list of predicate criminal acts the simple larceny of a motor vehicle.

Patron - Marsden

HB592 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 a 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. This bill was incorporated into HB 745.

Patron - Marsden

HB608 Protective orders; possession of firearms; penalty. Prohibits a person subject to a protective order from possessing a firearm.

Patron - Eisenberg

HB610 Hate crimes; homeless persons; penalty. Adds homeless persons to the categories of acts for which a person may seek injunctive relief or file an action for damages. The bill also adds homeless persons to the categories of victims whose intentional selection for a "hate crime" involving assault or trespass amplifies the Class 1 misdemeanor to a Class 6 felony penalty. The bill also adds homeless persons to the definition of "hate crime" for purposes of a central repository of information regarding hate crimes maintained by the State Police.

Patron - Eisenberg

HB653 Concealed handgun permit applications; access to personal information. Prohibits a clerk of a circuit court and the Department of State Police from disseminating to the public any personal identifying information contained on an application for a concealed handgun permit or a court order issuing a permit. This bill was incorporated into HB 982.

Patron - Wright

HB657 Purchase of firearms; reporting to Central Criminal Records Exchange. Clarifies that orders for both involuntary inpatient and outpatient mental health treatment must be forwarded by the clerk of court to the Central Criminal Records Exchange, and that persons ordered to either involuntary inpatient or outpatient treatment are prohibited from purchasing, possessing, or transporting a firearm. This portion of the bill codifies Executive Order 50 (2007). The bill also clarifies that clerks of court shall forward to the Central Criminal Records Exchange other orders affecting an individual's right to possess a firearm, such as if a person is acquitted by reason of insanity, is found incompetent to stand trial, or has the right to possess a firearm restored by a circuit court. This bill has been incorporated into HB 815.

Patron - Griffith

HB705 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. This bill has been incorporated into HB 223.

Patron - BaCote

HB710 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 injury. The bill also provides that a person who uses justifiable force against an intruder shall be immune from civil liability for injuries or death of the other person.

Patron - Janis

HB716 Conduct punishable as disorderly conduct. Removes the proviso that conduct punishable elsewhere in the

Code as criminal conduct may not also be punished as disorderly conduct. This bill responds to the decision in *Battle v. Commonwealth*, 50 Va. App. 135, 647 S. E. 2d 499 (2007).

Patron - Janis

HB734 Possession of firearms; public libraries; penalty. Prohibits the possession of a firearm at a state, regional, or local public library. 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 - Caputo

HB741 Involuntary mental health treatment; purchase of firearms; reporting to Central Criminal Records Exchange. Clarifies that orders for both involuntary inpatient and outpatient mental health treatment must be forwarded by the clerk of court to the Central Criminal Records Exchange, and that persons ordered to either involuntary inpatient or outpatient treatment are prohibited from purchasing, possessing, or transporting a firearm. This bill codifies Executive Order 50 (2007). This bill has been incorporated into HB 815.

Patron - Caputo

HB745 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 a 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. This bill incorporates HB 592.

Patron - Caputo

HB746 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 - Caputo

HB810 Machine gun registration. Requires the Superintendent of State Police to be notified in writing within 24 hours of the change of address of a person who has registered a machine gun or of a change in the permanent physical location of a machine gun.

Patron - Ward

HB835 Mental incompetence; firearms. Provides that it is a Class 1 misdemeanor for a person who has been adjudicated incompetent to stand trial to purchase, possess, or transport any firearm. The bill also requires the court to send to the Central Criminal Records Exchange orders finding that a defendant is incompetent to stand trial and orders for involuntary treatment. This bill has been incorporated into HB 815.

Patron - Moran

HB843 Concealed handgun permits; access to permit information. Protects from public disclosure permittee names and descriptive information held by the Department of State Police for purposes of entry into the Virginia Criminal Information Network. However, the information would still be available to law-enforcement agencies, officers, and agents in the course of law-enforcement duties, and nonidentifying statistical information would be available to the general public. The bill also requires a circuit court to withhold from public disclosure additional personal identifying information about

the applicant, if the applicant has requested on the permit application that such information be withheld. The bill directs the Department of State Police to revise the application forms to notify the applicant of the right to request that information be withheld, and to develop procedures for current permit holders to request that information be withheld from public disclosure. This bill was incorporated into HB 982.

Patron - Sherwood

HB876 DUI Court. Allows Chesterfield and Colonial Heights General District Courts to use a special docket to run a driving under the influence court based on the state drug court model. Participants will be those who violate ASAP program requirements, but participation will not result in a reduction of charges.

Patron - Loupassi

HB893 Assault and battery of juvenile detention facility employee; penalty. Provides that any person who commits an assault or an assault and battery against a person employed in a secure juvenile detention facility who is directly involved in the control, care, treatment, or supervision of detainees confined in such a facility while that employee is engaged in the performance of his duties is guilty of a Class 6 felony with a mandatory minimum sentence of six months.

Patron - Lohr

HB899 Sale of firearms; microstamping. Requires that all semiautomatic handguns sold or transferred after January 1, 2010, be equipped with technology that etches a microscopic array of characters identifying the make, model, and serial number of the handgun on the cartridge case when the handgun is fired. A violation of this requirement is a Class 1 misdemeanor.

Patron - Scott, J.M.

HB905 Increased punishment for statutory burglary. Raises the penalty for statutory burglary (with intent to commit rape or murder, etc.) from the current Class 3 felony to a period of between 10 to 20 years in prison plus a \$100,000 fine. The bill also raises the felony penalty for statutory burglary (with intent to commit larceny or assault and battery) from the current one to 20 years to two to 20 years in prison. The bill also eliminates the "Class 1 misdemeanor" option of 12 months jail confinement and a \$2,500 fine for the latter offense.

Patron - Jones, D.C.

HB932 Reckless handling of firearms; penalty. Provides a Class 6 felony if the reckless handling of a firearm unintentionally causes the serious bodily injury of another person resulting in permanent and significant physical impairment.

Patron - Gilbert

HB966 Assault and battery; ABC agent, penalty. Adds special agents of the Department of Alcoholic Beverage Control to the definition of law-enforcement officer, which means that the punishment for committing an assault and battery on a special agent engaged in the performance of his public duties is elevated from a Class 1 misdemeanor to a Class 6 felony with a six-month mandatory minimum term of confinement.

Patron - Shannon

HB969 Causing or encouraging acts rendering children delinquent; penalty. Provides that any person 18 years of age or older who engages in sexual intercourse with a child 15 years of age or older not his spouse, child, or grandchild as a

part of initiation or recruitment into a criminal street gang is guilty of a Class 6 felony.

Patron - Shannon

HB971 Database breach notification. Requires a person or business that conducts business in Virginia and that owns or licenses computerized data that includes personal information to conduct a reasonable investigation to promptly determine the likelihood that personal information has been or will be misused when it becomes aware of an incident of unauthorized access to personal customer information. Notification must be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement. The bill also contains alternative notification provisions. Any customer injured by a violation of this section may institute a civil action to recover actual damages or to enjoin any business that violates or has violated this section. This bill has been incorporated into HB 1469.

Patron - Shannon

HB973 What constitutes taking indecent liberties with children; penalty. Provides that if any person 18 years of age or over, who, with lascivious intent, knowingly and intentionally proposes that a child under the age of 15 years feel or fondle his own sexual or genital parts is guilty of taking indecent liberties with a child, a Class 5 felony.

Patron - Shannon

HB992 Definition of prostitution. Includes in the definition of prostitution any person who, for money or its equivalent, commits manipulation of the genitals of another by hand resulting in ejaculation, punishable as a Class 1 misdemeanor.

Patron - Bell

HB1001 Restitution for cost of response to bomb threat; penalty for bomb threat. Creates a mechanism for recovery of the costs incurred by emergency responders responding to a bomb threat, either by a court order at sentencing or a separate civil action. The bill also provides for the option of community service in lieu of restitution.

Patron - Bell

HB1052 Database breach notification. Requires that an individual or a commercial entity that conducts business in Virginia and that owns or licenses data that includes personal information about a resident of Virginia shall, when it becomes aware of a breach of the security of the system, (i) conduct in good faith a reasonable and prompt investigation to determine the likelihood that personal information has been or will be misused and (ii) notify the Office of the Attorney General that a breach has occurred. A breach of the security of the system is defined as the unauthorized acquisition and access of unencrypted or unredacted data that compromises the security, confidentiality, or integrity of personal information maintained by an individual or a commercial entity. Types of notification meeting the requirements of this bill are listed, but not required if, after a reasonable investigation, the person or commercial entity determines that there is no reasonable likelihood of harm to affected Virginia residents. The Attorney General may bring an action in law to address violations and ensure proper compliance with this section. Nothing in this section shall limit an individual from recovering direct economic damages resulting from a violation of this section. This bill has been incorporated into HB 1469.

Patron - Plum

HB1054 Involuntary mental health treatment; purchase of firearms; reporting to Central Criminal Records Exchange. Clarifies that orders for both involuntary inpatient and outpatient mental health treatment must be forwarded by

the clerk of court to the Central Criminal Records Exchange, and that persons ordered to either involuntary inpatient or outpatient treatment are prohibited from purchasing, possessing, or transporting a firearm. This bill codifies Executive Order 50 (2007). This bill has been incorporated into HB 815.

Patron - Scott, J.M.

HB1055 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.

HB1126 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 or legally prescribed medication 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.

HB1156 Penalties for drug distribution resulting in death or serious bodily injury. Imposes mandatory minimum punishments of from one to ten years for drug manufacturing or distribution and requires that sentences be served consecutively.

Patron - Phillips

HB1168 Temporary detention orders; voluntary and involuntary mental health treatment; purchase of firearms; reporting to Central Criminal Records Exchange. Prohibits a person who is the subject of a temporary detention order and subsequently agrees to voluntary admission to a mental health facility from purchasing or possessing a firearm. The bill also clarifies existing law that prohibits a person who has been involuntarily committed to inpatient treatment or who is ordered to involuntary outpatient treatment from purchasing or possessing a firearm. This bill has been incorporated into HB 815.

Patron - Eisenberg

HB1180 Second offense of assault and battery against a family member; penalty. Adds a five-day minimum mandatory term of confinement for a second (Class 1 misdemeanor) offense of assault and battery against a family or household member within 20 years. Currently, a third offense within 20 years is a Class 6 felony.

Patron - Lingamfelter

HB1182 Grand larceny as a predicate criminal act for gang membership. Adds grand larceny to the list of predicate criminal acts upon which gang participation is predicated.

Patron - Lingamfelter

HB1248 Harboring illegal alien; penalty. Provides that any person who as a part of a commercial enterprise (i) transports or moves or attempts to transport or move a known illegal alien into or within the Commonwealth or (ii) conceals or shields from detection or attempts to conceal or shield from detection that alien in any place, including any building, vehi-

cle, or vessel with the purpose of violating the immigration laws of the United States is guilty of a Class 6 felony.

Patron - Hugo

HB1277 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

HB1285 Protective orders; transport of firearms by certain law-enforcement officers. Allows, at the discretion of the sheriff or chief law-enforcement officer, a law-enforcement officer subject to a protective or restraining order to transport a firearm while on-duty.

Patron - Athey

HB1292 Possession of concealed weapons in vehicles. 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

HB1300 Threatening state employee; penalty. Creates a Class 1 misdemeanor for any person to threaten to take the life of or inflict bodily harm upon a state employee for the purpose of interfering with such employee's official duties.

Patron - Frederick

HB1315 Informed consent: ultrasound required before performing abortion to determine gestation age. Requires that, as a component of informed consent to an abortion and determination of gestation age, every pregnant female shall be given the opportunity to view an ultrasound image of her fetus prior to the abortion.

Patron - Byron

HB1328 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. HB 335 is incorporated into this bill.

Patron - Peace

HB1333 Crimes; 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

HB1371 Concealed handgun permittees; carrying firearms on public property. Prohibits a state entity, including the board of visitors of a state institution of higher education, from prohibiting the possession of a handgun on state property by a person with a valid concealed handgun permit, unless expressly authorized by statute to adopt such a rule, regulation, or policy.

Patron - Gilbert

HB1475 Involuntary mental health treatment; purchase of firearms; reporting to Central Criminal Records Exchange. Clarifies that orders for both involuntary inpatient and outpatient mental health treatment must be forwarded by the clerk of court to the Central Criminal Records Exchange, and that persons ordered to either involuntary inpatient or outpatient treatment are prohibited from purchasing, possessing, or transporting a firearm. This bill codifies Executive Order 50 (2007). This bill has been incorporated into HB 815.

Patron - Eisenberg

HB1544 Concealed handguns; restaurants. Prohibits a person who carries a concealed handgun onto the premises of a restaurant or club from consuming an alcoholic beverage while on the premises.

Patron - Gilbert

HB1556 Unborn child pain information. 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

SB3 Elements of indecent exposure. Provides that any person who (i) intentionally makes an obscene display or exposure of his person, or the private parts thereof, in (a) any public place, or (b) any place where others may see him, intending to be seen by others, or (ii) procures another to so expose himself, is guilty of a Class 1 misdemeanor. The section previously provided that such person was guilty of indecent exposure if the display was done in any public place or in any place where others are present, and did not include the requirement that he intended the display or exposure to be seen by others.

Patron - Puller

SB37 Appropriations; funding for anti-child-exploitation law enforcement. Provides both one-time and ongoing appropriations to fund anti-child-exploitation law-enforcement efforts including the creation of two additional regional Internet Crimes Against Children task forces, one in Southeastern Virginia and one in Richmond/Central Virginia.

Patron - Deeds

SB88 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 - Lucas

SB109 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 a definition of "promoter" and requires that the promoter of a gun show provide vendors with access to licensed dealers who will conduct the criminal background check.

Patron - Marsh

SB175 Sex offenders; proximity to children; penalties. Prohibits sex offenders from entering school and child day center property and from loitering near or entering community centers, public parks, and recreation centers. The bill also makes the prohibitions apply to persons with out-of-state convictions.

Patron - Blevins

SB231 Involuntary mental health treatment; purchase of firearms; reporting to Central Criminal Records Exchange. Clarifies that orders for both involuntary inpatient and outpatient mental health treatment must be forwarded by the clerk of court to the Central Criminal Records Exchange, and that persons ordered to either involuntary inpatient or outpatient treatment are prohibited from purchasing, possessing, or transporting a firearm. This bill codifies Executive Order 50 (2007). This bill has been incorporated into SB 216.

Patron - McDougle

SB263 Retrieving hunting dogs. Requires the revocation of the hunting license for the current and the next hunting seasons and allows the forfeiture of the firearm or bow and arrow of any person who is convicted of carrying such weapons and hunting on another person's property while he is retrieving his hunting dogs, which will be a Class 2 misdemeanor. In addition refusal to identify oneself when requested by the landowner to do so is raised from a Class 4 to a Class 2 misdemeanor.

Patron - Deeds

SB270 Elements of indecent exposure. Provides that any person who (i) intentionally makes an obscene display or exposure of his person, or the private parts thereof, in (a) any public place, or (b) any place where others may see him, intending to be seen by others, or (ii) procures another to so expose himself, is guilty of a Class 1 misdemeanor. The section previously provided that such person was guilty of indecent exposure if the display was done in any public place or in any place where others are present, and did not include the requirement that he intended the display or exposure to be seen by others.

Patron - Deeds

SB332 Concealed handgun permits; access to personal information of permittees. Allows an applicant for a concealed handgun permit to request that personal information regarding the permittee be withheld from public disclosure in response to a Freedom of Information Act request. The bill contains an emergency clause. For 90 days after the effective date of the act, the bill would require that no personal information about a concealed handgun applicant or permittee be released in response to a Freedom of Information Act request, so as to allow current concealed handgun permittees the opportunity to request that their personal information be withheld.

Patron - Cuccinelli

SB340 Fraud against hospitals and health care providers; penalties. Provides that it shall be unlawful for any person, with the intent to cheat or defraud a hospital or health care provider, to give a false name, address, or social security number or other form of identification in order to avoid payment for medical services. Any person who violates this section shall be guilty of a Class 6 felony, if the value of service obtained is \$1,000 or more, or guilty of a Class 1 misdemeanor, if the value is less than \$1,000. Also this bill requires hospitals to post signs stating that anyone convicted of this crime will be prosecuted and allows hospitals to fingerprint anyone who

does not have health insurance, is not eligible for Medicaid, and cannot otherwise show an ability to pay.

Patron - Cuccinelli

ESB351 Grand larceny; threshold amount. Increases from \$200 to \$500 the threshold amount of money or the value of the goods or chattel that the defendant must take before the crime rises from petit larceny to grand larceny.

Patron - Reynolds

ESB379 Concealed weapons; box cutters; penalty. Adds box cutters to the list of weapons that are prohibited from being carried concealed and allows the court to exclude certain weapons from being prohibited if such item was carried for a legitimate occupational, recreational, or personal reason.

Patron - Martin

ESB391 DUI Court. Allows Chesterfield and Colonial Heights General District Courts to use a special docket to run a driving under the influence court based on the state drug court model. Participants will be those who violate ASAP program requirements, but participation will not result in a reduction of charges.

Patron - Martin

ESB397 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

ESB504 Assault and battery of attorney for the Commonwealth; penalties. Provides that it is a Class 6 felony with a mandatory minimum term of confinement of six months to commit an assault or assault and battery against an attorney for the Commonwealth with the intent of preventing the attorney for the Commonwealth from performing his official duties. The bill will become effective only if an appropriation of general funds effectuating the purposes of the bill is included in the appropriations act.

Patron - Stuart

ESB507 Punishment for underage drinking and driving; penalty. Provides that "zero tolerance" (0.02% blood alcohol concentration) underage drinking and driving is punishable as a Class 1 misdemeanor. Currently, the punishment is loss of license for six months and a fine of no more than \$500. This bill provides for forfeiture of such person's license to operate a motor vehicle for a period of not less than six months or more than a year from the date of conviction and either a mandatory minimum 50 hours of community service or a mandatory minimum fine of \$500.

Patron - McDougle

ESB522 Assault and battery; ABC agent, penalty. Adds special agents of the Department of Alcoholic Beverage Control, officers of the Virginia Marine Police and full-time sworn members of the enforcement division of the Department of Motor Vehicles to the definition of law-enforcement officer, which means that the punishment for committing an assault and battery on such a person who is engaged in the performance of his public duties is elevated from a Class 1 misdemeanor to a Class 6 felony with a six-month mandatory minimum term of confinement. The bill will become effective only if an appropriation of general funds effectuating the pur-

poses of the bill is included in the appropriations act. This bill incorporates SB 598.

Patron - Locke

ESB544 Master Settlement Agreement; criminal enforcement activities; penalty. Makes several changes to enhance criminal enforcement activities. The bill provides that any tobacco product manufacturer, stamping agent, or importer of cigarettes, or any officer, employee, or agent of any such entity, who knowingly makes any materially false statement in reports, documents, and tax returns required to be filed or kept under the Master Settlement Agreement or other substantive law shall be guilty of a Class 6 felony. The Attorney General is authorized to prosecute such cases. The bill also requires persons to file cigarette delivery sales information with the Attorney General in addition to the current requirement that such information be filed with the Virginia Alcoholic Beverage Control Board. The bill adds criminal penalties for failure to file the required information, under current law all penalties are civil. The Attorney General is authorized to assess the civil penalties and prosecute criminal violations. In addition, the bill includes within the definition of "racketeering activity" the filing of false reports under the Tobacco Product Manufacturers Act, of false reports of cigarette delivery sales, and of false tobacco tax reports. The effective date of the bill is contingent on the appropriation of funds in the 2008 or a subsequent general appropriation act.

Patron - Hurt

ESB598 Assault and battery; ABC agent, penalty. Adds special agents of the Department of Alcoholic Beverage Control to the definition of law-enforcement officer, which means that the punishment for committing an assault and battery on a special agent engaged in the performance of his public duties is elevated from a Class 1 misdemeanor to a Class 6 felony with a six-month mandatory minimum term of confinement. This bill has been incorporated into SB 522.

Patron - Norment

ESB678 Drug Treatment Court Act. Authorizes a drug treatment court for the County of Tazewell.

Patron - Puckett

ESB730 Concealed handgun permits; access to permittee information. Protects from public disclosure permittee names and descriptive information held by the Department of State Police for purposes of entry into the Virginia Criminal Information Network. However, the information would still be available to law-enforcement agencies, officers, and agents in the course of law-enforcement duties, and non-identifying statistical information would be available to the general public. In addition, the State Police would be required to furnish, at a reasonable cost, a list of permit holders and their mailing addresses to nonprofit firearms and hunting educational and issue advocacy groups, but only for the purpose of education and advocacy. This bill was incorporated into SB 529.

Patron - Smith

ESB731 Purchase of firearms; reporting to Central Criminal Records Exchange. Clarifies that orders for both involuntary inpatient and outpatient mental health treatment must be forwarded by the clerk of court to the Central Criminal Records Exchange, and that persons ordered to either involuntary inpatient or outpatient treatment are prohibited from purchasing, possessing, or transporting a firearm. This portion of the bill codifies Executive Order 50 (2007). The bill also clarifies that clerks of court shall forward to the Central Criminal Records Exchange other orders affecting an individual's right to possess a firearm, such as if a person is acquitted by reason of insanity, is found incompetent to stand trial, or has the right

to possess a firearm restored by a circuit court. This bill has been incorporated into SB 216.

Patron - Smith

SB759 Concealed handgun permits; access to permittee information. Protects from public disclosure permittee names and descriptive information held by the Department of State Police for purposes of entry into the Virginia Criminal Information Network. However, the information would still be available to law-enforcement agencies, officers, and agents in the course of law-enforcement duties, and non-identifying statistical information would be available to the general public. This bill was incorporated into SB 529.

Patron - Ruff

SB762 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 - Smith

SB775 Drug Treatment Court Act. Authorizes a drug treatment court for the County of Franklin.

Patron - Hurt

Carried Over

HB13 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 30 days. The bill also provides that (i) for a second such conviction occurring within five years the penalty shall include a mandatory minimum term of confinement of 60 days and (ii) for a third conviction of stalking occurring within five years the penalty shall include a mandatory minimum term of confinement of 90 days.

Patron - Peace

HB312 Crimes; unintentional cause of miscarriage or stillbirth. Makes it a Class 5 felony for a person who, while engaged in conduct so gross, wanton, and culpable so as to show a reckless disregard for the life or safety of others to injure another person who is pregnant and such injury results in a miscarriage or stillbirth.

Patron - Landes

HB315 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

HB953 Abuse or neglect proceedings; videotaped statement. Allows a videotaped statement of an alleged victim to be admissible into evidence in a criminal proceeding for child abuse or neglect if the child is 12 years of age or younger at the time the statement is offered and a number of other conditions are met, including having the alleged victim testify

prior to entry of the statement and having all persons present at the time the statement was taken available to testify or be cross-examined at the proceeding where the recording is offered. The proponent of the videotaped statement must give the adverse party 10 days notice prior to the proceeding of his intent to offer the statement as evidence.

Patron - Iaquinto

HB982 Concealed handgun permits; access to permittee information. Protects from public disclosure permittee names and descriptive information held by the Department of State Police for purposes of entry into the Virginia Criminal Information Network. However, the information would still be available to law-enforcement agencies, officers, and agents in the course of law-enforcement duties, and non-identifying statistical information would be available to the general public. The bill also prohibits a clerk of court from disseminating any personal identifiable information, such as address, phone, number, or social security number, but allows the clerk, in his discretion, to make available the names of persons issued concealed handgun permits by the court. This bill incorporates HB 370, HB 653, and HB 843.

Patron - Nutter

HB1192 Child Toy Safety Act of 2008. Provides that any person who continues to offer any child's product for retail sale when more than 14 days have elapsed following receipt of an announcement by the United States Consumer Products Safety Commission that the product has been recalled shall be assessed a civil penalty of \$1,000 for each day the product continues to be offered for sale. The bill also requires several state agencies to enforce federal recalls of unsafe toys and develop standards and regulations to keep unsafe toys out of child day-care facilities.

Patron - Moran

HB1281 Driving with special license plates after conviction of DUI. Requires persons convicted of drunk driving a third or subsequent time who have registered motor vehicles in Virginia to use yellow license plates with red letters and numbers for a five-year period.

Patron - Spruill

HB1338 Crimes; brandishing a firearm etc. Increases from a Class 1 misdemeanor to a Class 6 felony the brandishing of any firearm or any air or gas operated weapon or any object similar in appearance.

Patron - Barlow

SB364 Worthless check program. Authorizes attorneys for the Commonwealth to establish programs that allow persons who write bad checks to avoid prosecution if they pay full restitution to the victim, attend an educational program, and pay all fines and costs.

Patron - Watkins

SB384 Capital murder of certain firefighters and emergency rescue personnel; penalty. Provides that the willful, deliberate, and premeditated killing of a fire marshal, firefighter, or member of an emergency rescue squad is punishable as capital murder, a Class 1 felony, when the killing is for the purpose of interfering with his official duties.

Patron - Martin

SB529 Concealed handgun permits; access to permittee information. Protects from public disclosure permittee names and descriptive information held by the Department of State Police for purposes of entry into the Virginia Criminal Information Network. However, the information would still be available to law-enforcement agencies, officers, and agents in

the course of law-enforcement duties, and non-identifying statistical information would be available to the general public. This bill is a recommendation of the Freedom of Information Advisory Council. This bill incorporates SB 730 and SB 759.

Patron - Houck

Criminal Procedure

Passed

HB93 Supplementing compensation of public defenders. Permits counties or cities that have public defender offices to supplement, payable from their own funds, the compensation of the public defender or his deputies or employees in excess of the compensation fixed by the executive director of the Virginia Indigent Defense Commission. This bill is identical to SB 634.

Patron - Moran

HB181 Juror information confidential. Provides that a court may in a criminal trial, upon the motion of either party or its own motion, and for good cause shown, issue an order regulating the disclosure of personal information of a juror to any person other than the counsel for either party. Good cause shown includes, but is not limited to, a likelihood of bribery, tampering, or physical injury to or harassment of a juror. The order may be modified as deemed appropriate by the court. "Personal information" is defined as any information collected by the court, clerk, or jury commissioner including, but not limited to, a juror's name, age, occupation, home and business addresses, telephone numbers, email addresses, and any other identifying information that would assist another in locating or contacting the juror. The bill also directs the Supreme Court to prescribe and publish rules that provide for the protection of a juror's personal information.

Patron - Marshall, R.G.

HB410 Appointment of counsel; indigent defendants. Maintains the current provision, due to expire on July 1, 2008, that if there is no attorney reasonably available who is on the list maintained by the Indigent Defense Commission, the court may appoint an appropriately trained and experienced attorney not on the list and must notify the Commission of the appointment. The bill also clarifies that when the public defender is unable to represent the defendant due to a conflict of interest or the court finds that the appointment of other counsel is necessary to attain the ends of justice, the appointment shall be from the list maintained by the Commission. This bill is identical to SB 553.

Patron - Griffith

HB440 Presumption of no bail for illegal aliens charged with certain crimes. Provides that a judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if (i) the person is currently charged with an offense listed in subsection A of § 19.2-297.1 (acts of violence), subsection C of § 17.1-805 (acts of violence), any offense under Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 (crimes against the person) except any offense under subsection A of § 18.2-57.2, any felony offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 (drug offenses), or any offense under Articles 2 (§ 18.2-266 et seq.), 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), or 7 (§ 18.2-308 et seq.) of Chapter 7 of Title 18.2 (crimes involving health and safety), and (ii) the court determines that the person is illegally present in the United States. This presump-

tion shall not exist unless the United States Immigration and Customs Enforcement has guaranteed that, in all such cases in the Commonwealth, it will issue a detainer for the initiation of removal proceedings and agrees to reimburse for the cost of incarceration from the time of the issuance of the detainer. This bill incorporates HB 47, HB 757, HB 762, HB 779, HB 929, and HB 1435. This bill is identical to SB 623.

Patron - Rust

HB557 Criminal procedure; provisions applicable to witnesses. Removes § 8.01-407.1 (Identity of persons communicating anonymously over the Internet) from the sweep-in provisions which make certain Code sections applicable to both civil and criminal case witnesses. The provisions of § 8.01-407.1 apply only to civil cases.

Patron - Valentine

HB586 Remand of bail appeal. Allows the Supreme Court or Court of Appeals to remand an appeal of denial of bail to circuit court for such further action regarding bail as the appellate court directs. Currently the appellate court is limited to setting bail after overruling the denial. This is a recommendation of the Judicial Council. This bill is identical to SB 225.

Patron - Marsden

HB682 Detention Center Incarceration Program. Allows a probation and parole officer to place a non re-offending defendant who scores incarceration on the probation violation guidelines and voluntarily agrees to participate, with the Department of Corrections to be evaluated for participation in the Detention Center Incarceration Program, if approved by the court. This bill is identical to SB 611.

Patron - Miller, P.J.

HB713 Preliminary protective orders; stalking; extension. Allows the court to extend a preliminary protective order for a period of up to six months if the respondent fails to appear at the hearing. Language mirrors subsection B of § 16.1-253.1, relating to preliminary protective orders in family abuse cases.

Patron - Janis

HB715 Resetting of bail, amending bail set upon arrest. Provides that when the court having jurisdiction of a bail proceeding believes the amount of bond or security set by a judicial officer at initial arrest to be inadequate or excessive, it may after notice to the parties, change the amount of such bond or security, require new and additional sureties, or set other terms of bail as are appropriate to the case, including, but not limited to, drug and alcohol monitoring. Currently, the court is limited to increasing the initial bail and may not impose additional bail requirements such as alcohol and drug monitoring. This bill is identical to SB 506.

Patron - Janis

HB717 Posting of bonds in support cases. Clarifies that a court is not precluded from imposing a bond or recognizance designed to secure a child or spousal support obligation in cases where an additional bond or recognizance is imposed as a condition of the release of an obligor.

Patron - Janis

HB820 Alien status of jail and correctional facility inmates. Requires an officer in charge of a jail or correctional facility to inquire of a person in his custody as to whether the person was born in or is a citizen of the United States and to make an immigration alien query to the Law Enforcement Support Center of the United States Immigration and Customs Enforcement for any person who was born in or is a citizen of another country, or if the answers to these questions are

unknown. The jail officer shall communicate the results of this immigration alien query to the Local Inmate Data System of the State Compensation Board. The State Compensation Board shall communicate, on a monthly basis, the results of any query confirming that a person is illegally present in the United States to the Central Criminal Records Exchange. This bill incorporates HB 368, HB 1029, and House Bills 441, 444, 763, and 764. This bill is identical to SB 609.

Patron - Albo

HB903 Magistrates. Reforms the magistrate system by transferring appointment and supervisory responsibilities from the circuit court judges to the Executive Secretary of the Supreme Court, although the chief judges of the circuit courts in the region are to be consulted regarding appointments. Magistrates initially appointed on or after July 1, 2008, must have a bachelor's degree from an accredited college and persons appointed chief magistrates on or after July 1, 2008, are required to be members in good standing of the Virginia State Bar. No magistrate appointed on or after July 1, 2008, may practice law. No magistrate may engage in any other business without the approval of the Executive Secretary. Magistrates will have to serve an initial nine-month probationary period (currently, six months), complete a minimum training program and pass a certification exam. The bill broadens magistrates' geographical assignment from within a particular judicial district to regions established by the Executive Secretary. The bill makes technical amendments replacing "justice of the peace" with "magistrate" and removes references to magistrates serving only within a particular jurisdiction or district. This bill is identical to SB244.

Patron - Putney

HB941 Search warrants; affidavits, etc. Allows an affidavit in support of a search warrant to be delivered by facsimile after it is certified and provides that the certifying officer's designee or agent may deliver the affidavit. The bill adds a requirement that a copy of the affidavit be delivered to the clerk of the circuit court in the county or city where the warrant is issued if different than the county or city where the search is to be made. The inventory of seized property will go to the circuit court of the county or city where the search was conducted. The bill specifies that the officer or his designee or agent may deliver the warrant, inventory, and accompanying affidavit in person, by certified mail or by facsimile. This bill is identical to SB 229.

Patron - Gilbert

HB952 Time period for notice of insanity plea. Provides that notice of a criminal defendant's insanity plea must be given to the Commonwealth at least 60 days (currently at least 21 days) prior to trial, or at most 60 days following indictment when the period between indictment and trial is less than 120 days.

Patron - Iaquinto

HB956 Criminal Injuries Compensation Fund; PERK reimbursements. Allows the Fund to directly reimburse a health care provider for the costs of performing the physical evidence recovery kit (PERK) examinations used in cases of sexual assault. The defendant, upon conviction, is required to reimburse the Commonwealth. This bill is identical to SB 312.

Patron - Miller, P.J.

HB965 Criminal Injuries Compensation Fund; stalking. Amends the definition of victim under the Fund to allow people who have been stalked to be eligible to collect from the Fund.

Patron - Shannon

HB1043 Polygraphs; victims of sex offenses. Provides that no law-enforcement officer, attorney for the Commonwealth, or other government official shall ask or require a victim of certain sex offenses to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an offense. This bill incorporates HB 1488. This bill is identical to SB 164.

Patron - Watts

HB1179 Criminal procedure; admission to bail. Adds a presumption, subject to rebuttal, against admitting to bail any person who is arrested for felony assault and battery against a family or household member.

Patron - Lingamfelter

HB1181 Appointment of special conservators of the peace. Makes it mandatory, rather than permissive, that a circuit court 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. The bill allows the judge to deny the appointment for good cause and requires that the specific reasons for the denial be stated in writing in the order denying the appointment.

Patron - Lingamfelter

HB1186 Incompetent defendants; misdemeanors; dismissal of charges. Provides that if a defendant has been charged with a misdemeanor under Article 3 (§ 18.2-95 et seq.) of Chapter 5 of Title 18.2 (larceny and receiving stolen goods), Article 5 (§ 18.2-119 et seq.) of Chapter 5 of Title 18.2 (trespass to realty) except an offense under § 18.2-130 (peeping or spying into dwelling or enclosure), or Article 2 (§ 18.2-415 et seq.) of Chapter 9 of Title 18.2 (disorderly conduct), and is being treated in an effort to restore his capacity, then after 45 days, if his capacity has not been restored, the court shall decide whether he should be released, committed, or certified and the court may dismiss the charges. This bill incorporates HB 1378. This bill is identical to SB 380.

Patron - Melvin

HB1205 Diversion Center Incarceration Program. Allows a probation and parole officer to place a non re-offending defendant who scores incarceration on the probation violation guidelines and voluntarily agrees to participate, with the Department of Corrections to be evaluated for participation in the Diversion Center Incarceration Program, if approved by the court. This bill is identical to SB 451.

Patron - Melvin

HB1302 Incident management. Redefines the "scene of any accident" for the purposes of arrest without a warrant. The revised definition includes a reasonable location where a vehicle or person involved in an accident has been moved at the direction of a law-enforcement officer to facilitate the clearing of the highway or to ensure the safety of the motoring public. The bill also removes the limitation that the driver of a vehicle involved in an accident may move the vehicle only "so far as necessary" to prevent obstructing traffic.

Patron - Nichols

HB1384 Grand juries. Provides that persons selected as members of grand juries, special grand juries, and multi-jurisdictional grand juries shall be impartial and possess disinterest in outcome. Procedures to determine a potential juror's qualifications for service on a special grand jury are outlined.

The bill allows a person indicted after a special grand jury investigation to move to review, note or duplicate evidence.

Patron - Janis

SB123 Destruction of criminal exhibits. Provides that the trial court may not order the destruction or donation of exhibits used in evidence in felony cases without prior notice to the counsel for the parties and until expiration one year after all appeals or, if no appeal, one year after appellate remedies expire.

Patron - Edwards

SB164 Polygraphs; victims of sex offenses. Provides that no law-enforcement officer, attorney for the Commonwealth, or other government official shall ask or require a victim of certain sex offenses to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an offense. This bill is identical to HB 1043.

Patron - Lucas

SB225 Remand of bail appeal. Allows the Supreme Court or Court of Appeals to remand an appeal of denial of bail to circuit court for such further action regarding bail as the appellate court directs. Currently the appellate court is limited to setting bail after overruling the denial. This is a recommendation of the Judicial Council. This bill is identical to HB 586.

Patron - McDougle

SB229 Search warrants; affidavits, etc. Allows an affidavit in support of a search warrant to be delivered by facsimile after it is certified and provides that the certifying officer's designee or agent may deliver the affidavit. The bill adds a requirement that a copy of the affidavit be delivered to the clerk of the circuit court in the county or city where the warrant is issued if different than the county or city where the search is to be made. The inventory of seized property will go to the circuit court of the county or city where the search was conducted. The bill specifies that the officer or his designee or agent may deliver the warrant, inventory, and accompanying affidavit in person, by certified mail or by facsimile. This bill is identical to HB 941.

Patron - McDougle

SB241 School employees; criminal acts. Requires the court clerks to notify the Superintendent of Public Instruction when a person known to be licensed by the Board of Education is convicted of a felony drug crime or certain felony sex crimes involving a child victim. The bill also requires (i) local school boards to develop policies and procedures to address complaints of sexual abuse of a student by a teacher or other school board employee; (ii) the Board of Education to include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure in its regulations; (iii) notification by the local school board to the Board of Education when a licensed employee of a school board is dismissed or resigns because of certain criminal convictions or a founded child abuse or neglect case; (iv) notification by the local department of social services to the Superintendent of Public Instruction when the subject of a founded complaint of child abuse or neglect is known to hold a license from the Board of Education; and (v) the Board of Education to revoke the license of any person who has been dismissed or has resigned because he has been convicted of a felony, sex offense, drug offense or because he is the subject of a founded case of child abuse or neglect. This bill is identical to HB 1439.

Patron - Lucas

SB244 Magistrates. Reforms the magistrate system by transferring appointment and supervisory responsibilities from

the circuit court judges to the Executive Secretary of the Supreme Court, although the chief judges of the circuit courts in the region are to be consulted regarding appointments. Magistrates initially appointed on or after July 1, 2008, must have a bachelor's degree from an accredited college and persons appointed chief magistrates on or after July 1, 2008, are required to be members in good standing of the Virginia State Bar. No magistrate appointed on or after July 1, 2008, may practice law. No magistrate may engage in any other business without the approval of the Executive Secretary. Magistrates will have to serve an initial nine-month probationary period (currently, six months), complete a minimum training program and pass a certification exam. The bill broadens magistrates' geographical assignment from within a particular judicial district to regions established by the Executive Secretary. The bill makes technical amendments replacing "justice of the peace" with "magistrate" and removes references to magistrates serving only within a particular jurisdiction or district. This bill is identical to HB 903.

Patron - Howell

SB312 Criminal Injuries Compensation Fund; PERK reimbursements. Allows the Fund to directly reimburse a health care provider for the costs of performing the physical evidence recovery kit (PERK) examinations used in cases of sexual assault. This bill is identical to HB 956.

Patron - Puller

SB345 Conditional release; voluntary admission to a state hospital. Clarifies that voluntary admission to a state hospital shall not solely constitute grounds for revocation of a person's conditional release.

Patron - Blevins

SB380 Incompetent defendants; misdemeanors; dismissal of charges. Provides that if a defendant has been charged with a misdemeanor under Article 3 (§ 18.2-95 et seq.) of Chapter 5 of Title 18.2 (larceny and receiving stolen goods), Article 5 (§ 18.2-119 et seq.) of Chapter 5 of Title 18.2 (trespass to realty) except an offense under § 18.2-130 (peeping or spying into dwelling or enclosure), or Article 2 (§ 18.2-415 et seq.) of Chapter 9 of Title 18.2 (disorderly conduct), and is being treated in an effort to restore his capacity, then after 45 days, if his capacity has not been restored, the court shall decide whether he should be released, committed, or certified and the court may dismiss the charges. This bill incorporates SB 626. This bill is identical to HB 1186.

Patron - Martin

SB451 Diversion Center Incarceration Program. Allows a defendant who has not committed a new criminal offense, who may be subject to having his probation revoked, and who scores incarceration on the probation violation guidelines and voluntarily agrees to participate, to be placed with the Department of Corrections to be evaluated for participation in the Diversion Center Incarceration Program if approved by the court. This bill is identical to HB 1205.

Patron - Petersen

SB506 Resetting of bail, amending bail set upon arrest. Provides that when the court having jurisdiction of a bail proceeding believes the amount of bond or security set by a judicial officer at initial arrest to be inadequate or excessive, it may, after notice to the parties, change the amount of such bond or security, require new and additional sureties, or set other terms of bail as are appropriate to the case, including, but not limited to, drug and alcohol monitoring. Currently, the court is limited to increasing the initial bail and may not

impose additional bail requirements such as alcohol and drug monitoring. This bill is identical to HB 715.

Patron - McDougle

SB549 Multijurisdictional grand juries. Adds crimes related to identity theft and credit card fraud to the matters that a multijurisdictional grand jury may investigate.

Patron - Hurt

SB553 Appointment of counsel; indigent defendants. Maintains the current provision, due to expire on July 1, 2008, that if there is no attorney reasonably available who is on the list maintained by the Indigent Defense Commission, the court may appoint an appropriately trained and experienced attorney not on the list and must notify the Commission of the appointment. The bill also clarifies that when the public defender is unable to represent the defendant due to a conflict of interest or the court finds that the appointment of other counsel is necessary to attain the ends of justice, the appointment shall be from the list maintained by the Commission. This bill is identical to HB 410.

Patron - Hurt

SB609 Alien status of jail and correctional facility inmates. Requires an officer in charge of a jail or correctional facility to inquire of a person in his custody as to whether the person was born in or is a citizen of the United States and to make an immigration alien query to the Law Enforcement Support Center of the United States Immigration and Customs Enforcement for any person who was born in or is a citizen of another country, or if the answers to these questions are unknown. The jail officer shall communicate the results of this immigration alien query to the Local Inmate Data System of the State Compensation Board. The State Compensation Board shall communicate, on a monthly basis, the results of any query confirming that a person is illegally present in the United States to the Central Criminal Records Exchange. This bill is identical to HB 820.

Patron - Stolle

SB610 Compensation of court-appointed counsel; juvenile offenders. Provides that court-appointed counsel who are appointed to defend a juvenile in district court for an offense that would be a felony if committed by an adult may request a waiver on the compensation cap up to certain specified amounts depending on the charges being defended when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver. The maximum amounts of the waivers allowed are fixed at the level of the compensation cap for defending adults of the same crimes in circuit court.

Patron - Stolle

SB611 Detention Center Incarceration Program. Allows a probation and parole officer to place a nonreoffending defendant who scores incarceration on the probation violation guidelines and voluntarily agrees to participate, with the Department of Corrections to be evaluated for participation in the Detention Center Incarceration Program, if approved by the court. This bill is identical to HB 682.

Patron - Stolle

SB618 Petit larceny; substance abuse. Provides that a person who is convicted for the second time of petit larceny must undergo substance abuse screening as part of the sentence if the sentence includes probation supervision by a community-based probation services agency.

Patron - Stolle

SB623 Presumption of no bail for illegal aliens charged with certain crimes. Provides that a judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if (i) the person is currently charged with an offense listed in subsection A of § 19.2-297.1 (acts of violence), subsection C of § 17.1-805 (acts of violence), any offense under Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 (crimes against the person) except any offense under subsection A of § 18.2-57.2, any felony offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 (drug offenses), or any offense under Articles 2 (§ 18.2-266 et seq.), 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), or 7 (§ 18.2-308 et seq.) of Chapter 7 of Title 18.2 (crimes involving health and safety), and (ii) the court determines that the person is illegally present in the United States. This presumption shall not exist unless the United States Immigration and Customs Enforcement has guaranteed that, in all such cases in the Commonwealth, it will issue a detainer for the initiation of removal proceedings and agrees to reimburse for the cost of incarceration from the time of the issuance of the detainer. This bill incorporates SB 183, SB 733, and SB 152. This bill is identical to HB 440.

Patron - Stolle

SB634 Supplementing compensation of public defenders. Permits counties or cities that have public defender offices to supplement, payable from their own funds, the compensation of the public defender or his deputies or employees in excess of the compensation fixed by the executive director of the Virginia Indigent Defense Commission. This bill is identical to HB 93.

Patron - Ticer

SB772 Bail. Allows the court as a condition of bond to bar a person who holds an elected constitutional office and who is accused of a felony arising from the performance of his duties from returning to his constitutional office.

Patron - Hurt

SB773 Prosecution of identity theft; statute of limitations. Allows prosecutions for misdemeanor identity theft to be commenced within the same limits as computer crimes. Those limits are the earlier of (i) five years after the commission of the last illegal act or (ii) one year after the existence of the illegal act and the identity of the offender are discovered.

Patron - Hurt

Failed

HB47 Criminal procedure; admission to bail. Adds a presumption, subject to rebuttal, against admitting to bail any alien charged with a criminal offense who is in the United States illegally as verified by the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security. This bill was incorporated into HB 440.

Patron - Cole

HB155 Criminal procedure; admission to bail. Adds a presumption, subject to rebuttal, against admitting to bail any alien charged with a criminal offense who is in the United States illegally as verified by the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security.

Patron - Nichols

HB232 Power of magistrates to issue felony arrest warrants. Provides that no magistrate may issue an arrest war-

rant upon the basis of a citizen complaint, for a felony offense, without prior authorization from the attorney for the Commonwealth or from a law-enforcement agency in his jurisdiction, unless the person who is to be issued the warrant has already been placed under arrest by a law-enforcement officer.

Patron - Cosgrove

HB307 Crime victims and witnesses; immigration status. Prohibits law enforcement from questioning or investigating the immigration status of a person who reports that he was a victim of or witness to a crime.

Patron - Eisenberg

HB325 Dissemination of criminal records; Guardians ad litem. Allows the dissemination of criminal records to GALs.

Patron - Saxman

HB368 Alien status of jail and correctional facility inmates. Requires a jail officer to inquire of a person in his custody as to whether the person is a citizen of the United States and to communicate the results of the inquiry, including a result specifying that this information is unknown, to the Local Inmate Data System of the State Compensation Board. The State Compensation Board shall submit the data on any such person to the Central Criminal Records Exchange. The State Police shall forward this information to the Law Enforcement Support Center of the United States Immigration and Customs Enforcement along with a request that the Law Enforcement Support Center respond as to the person's immigration status. Any response received by the State Police from the Law Enforcement Support Center concerning an individual's immigration status shall be transmitted to the State Compensation Board for inclusion in the Local Inmate Data System. The bill requires officer in charge of a correctional facility to verify that such information is in the Central Criminal Records Exchange and to request that the Law Enforcement Support Center respond as to the person's immigration status. This bill was incorporated into HB 820.

Patron - Carrico

HB433 Forfeiture of motor vehicle for three or more offenses of driving without a valid operator's license. Provides that any vehicle driven in the commission of a third or subsequent offense of driving without a valid operator's license shall be subject to forfeiture. This bill incorporates HB 380 and HB 446.

Patron - Frederick

HB436 Misdemeanor arrest or summons at discretion of law-enforcement officer. 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 when the person fails to stop the unlawful act.

Patron - Frederick

HB444 Alien status of jail and correctional facility inmates. Requires a jail officer to inquire of a person in his custody as to whether the person is a citizen of the United States and to communicate the results of the inquiry, including a result specifying that this information is unknown, to the Local Inmate Data System of the State Compensation Board. The State Compensation Board shall submit the data on any such person to the Central Criminal Records Exchange. The

State Police shall forward this information to the Law Enforcement Support Center of the United States Immigration and Customs Enforcement along with a request that the Law Enforcement Support Center respond as to the person's immigration status. Any response received by the State Police from the Law Enforcement Support Center concerning an individual's immigration status shall be transmitted to the State Compensation Board for inclusion in the Local Inmate Data System. The bill requires officer in charge of a correctional facility to verify that such information is in the Central Criminal Records Exchange and to request that the Law Enforcement Support Center respond as to the person's immigration status. This bill was incorporated into HB 820.

Patron - Rust

HB461 Conditions of release without bond. Provides that no person arrested for a felony who has previously been convicted of a felony, or who is presently on bond for an unrelated arrest in any jurisdiction, or who is on probation or parole, may be released to a pretrial services agency in lieu of posting a secure bond until the expiration of 72 hours following his initial appearance before a judicial officer and unless he is determined by a court to be indigent.

Patron - Albo

HB480 Conditional release; voluntary admission to a state hospital. Clarifies that voluntary admission to a state hospital shall not solely constitute grounds for revocation of a person's conditional release.

Patron - Brink

HB515 Waiving interest during period of incarceration. Authorizes the court to waive interest on fines and costs accruing during any period that the defendant was incarcerated prior to July 1, 2008.

Patron - Dance

HB536 Compensation of court-appointed counsel; juvenile offenders. Provides that court-appointed counsel who are appointed to defend a juvenile in district court for an offense that would be a felony if committed by an adult may request a waiver on the compensation cap up to certain specified amounts depending on the charges being defended when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver. The maximum amounts of the waivers allowed are fixed at the level of the compensation cap for defending adults of the same crimes in circuit court.

Patron - Peace

HB624 Criminal procedure; interpreter appointed for non-English-speaking defendant. Provides that the cost for such interpreter shall be borne by a defendant who is convicted at trial of the criminal offense.

Patron - Miller, J.H.

HB658 Recording preliminary hearings. Provides that the court shall order that a certified court reporter or mechanical or electronic device approved by the court be provided to record the incidents of a preliminary hearing upon request of the Commonwealth or an indigent defendant.

Patron - Griffith

HB659 Defense motions to suppress evidence. Requires that the grounds for defense objections or motions to suppress evidence based on violations of certain constitutional rights or unconstitutional statutes, be stated with particularity.

Patron - Griffith

HB718 Authority of court to order payment of fine, costs, forfeitures, penalties, or alternatives. Provides that a court may establish a program to provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work before or after imprisonment. Currently the court is required to establish such a program.

Patron - Janis

HB757 Criminal procedure; admission to bail. Adds a presumption, subject to rebuttal, against admitting to bail any alien who is charged with any felony and who is in the United States illegally, as verified by the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security. This bill was incorporated into HB 440.

Patron - Poindexter

HB762 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 is charged with a crime and not lawfully present in the United States, and requires judicial officers prior to any bail hearing, to the extent feasible, to verify with the United States Bureau of Immigration and Customs Enforcement whether a person is lawfully present in the United States. This bill was incorporated into HB 440.

Patron - Rust

HB779 Presumption of no bail for illegal aliens charged with certain crimes. Provides that a judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if (i) the person is currently charged with an offense listed in subsection A of § 19.2-297.1 (acts of violence), subsection C of § 17.1-805 (acts of violence), or any felony offense under Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 (crimes against the person), any felony offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 (drug offenses), or any offense under Articles 2 (§ 18.2-266 et seq.), 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), or 7 (§ 18.2-308 et seq.) of Chapter 7 of Title 18.2 (crimes involving health and safety), and (ii) the court determines that the person is illegally present in the United States. This presumption shall exist unless and until notification is received from the United States Immigration and Customs Enforcement that it does not intend to detain the person. This bill was incorporated into HB 440.

Patron - Kilgore

HB880 Interest on fines and costs. Provides that interest on fines and costs shall not accrue while a person is incarcerated. Currently, fines and costs do not accrue during incarceration but only with respect to the case resulting in the incarceration. The bill also allows a person to move for and a circuit court to grant a waiver on any interest accrued during his incarceration prior to July 1, 2008.

Patron - Loupassi

HB929 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 or any violation of § 18.2-266(DUI) and is identified as being in the United States unlawfully and requires judicial officers prior to a bail hearing, to the extent feasible, to verify whether a person is a citizen or

is otherwise lawfully present in the United States. This bill was incorporated into HB 440.

Patron - Gilbert

HB935 Admissibility of prior inconsistent statements in a criminal case. Provides that in all criminal cases, evidence of a statement made by a witness is not made inadmissible by the hearsay rule if the statement is inconsistent with his testimony at the hearing or trial, the witness is subject to cross-examination concerning the statement, and the statement (i) was made under oath and describes or explains an event or condition of which the witness had personal knowledge and (ii) proved to have been written or signed by the witness, the witness acknowledged under oath the making of the statement, or the statement is proved to have been accurately recorded.

Patron - Gilbert

HB940 Defense motions to suppress evidence. Requires that the grounds for defense objections or motions to suppress evidence based on violations of certain constitutional rights or unconstitutional statutes, be stated with particularity.

Patron - Gilbert

HB1029 Verification of citizen status. Requires that a jailer shall reasonably attempt to verify the citizen status of certain persons who have been arrested and who are confined in jail. The jailer is required to report any person determined to be in the United States illegally to the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement. The bill provides further 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. This bill was incorporated into HB 820.

Patron - Frederick

HB1067 School employees; criminal acts. Requires (i) notification to the Superintendent of Public Instruction and the division superintendent of the conviction of any individual holding a license issued by the Board of Education; (ii) local school boards to develop policies and procedures to address complaints of sexual abuse of a student by a teacher or other school board employee; (iii) the Board of Education to include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure in its licensure regulations; (iv) notification to the Board of Education when a licensed employee of a school board is dismissed or resigns for certain convictions of enumerated crimes; and (v) notification to the Superintendent of Public Instruction when any individual holding a license is the subject of a founded complaint of child abuse or neglect. There is also a technical amendment. This bill has been incorporated into HB 1439.

Patron - Amundson

HB1136 Sentencing proceeding by the jury after conviction. Provides that criminal sentencing by a jury may be done by a different jury if the original jury cannot agree on punishment.

Patron - Griffith

HB1237 Mentally ill defendants; treatment and hospitalization. Establishes a new standard for hospitalizing mentally ill criminal defendants. Hospitalization may occur when the defendant has a mental illness and there exists a substantial likelihood that, as a result of that mental illness, the defendant will, in the near future, cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm. Under current law the standard is "imminently dangerous to himself or others." The provision applies

to pretrial, after conviction but before sentencing, and after sentencing. The bill specifies that the evaluation must be done face-to-face by an employee of the community services board or its designee who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department of Mental Health, Mental Retardation and Substance Abuse Services. This bill has been incorporated into HB 559.

Patron - Jones, D.C.

HB1290 Restorative justice programs. Provides that courts may order offenders to be assessed for their suitability to enter a restorative justice program and, if found suitable, the offender may enter such a program. Restorative justice programs are intended to facilitate meetings or dialogues between victims of crime and the offenders, as well as other individuals and community members if appropriate, with the goal of addressing the needs of the victim and the community through agreements with the offenders addressing issues such as reparation, restitution, and community service.

Patron - Athey

HB1366 Probation; waiver of Fourth Amendment rights as condition of probation. Provides that among the conditions the court may impose upon a probationer is that the person, vehicle or home of the defendant shall be subject to search without a warrant during the period of his probation when the search derives from a violation of other conditions imposed upon the defendant by the court or arises out of a suspicion that the defendant is engaged in conduct the same as that or substantially similar to that for which he was convicted, provided that such condition may be imposed only upon a defendant convicted of a felony violation under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 (controlled substance violations) or a violent felony as defined in § 17.1-805.

Patron - Cline

HB1369 Incarceration of defendant pending appeal of bond by attorney for the Commonwealth. Provides that if the attorney for the Commonwealth notes an appeal of bail, bond, or terms of recognizance the court shall stay the grant of bail, bond, or terms of recognizance pending the appeal.

Patron - Gilbert

HB1378 Disposition of incompetent defendants. Provides that if, after a determination of a defendant's competency to stand trial is made, a court finds that a defendant is and is likely to remain incompetent for the foreseeable future, the court shall order that the defendant be (i) released, (ii) involuntarily committed, (iii) reviewed for commitment as a sexually violent predator, or (iv) certified as eligible for admission to a training center for persons with mental retardation. The bill also provides that duration of the treatment to restore the competency of a defendant charged with a misdemeanor, other than an offense against person or property involving the intentional threat of or the attempted or actual infliction of physical harm, shall be limited to 45 days. This bill has been incorporated into HB 1186.

Patron - Morrissey

HB1435 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 is charged with a crime who is an alien and not lawfully present in the United States and requires judicial officers prior to any bail hearing, 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 whether a person is a citizen

or is otherwise lawfully present in the United States. This bill was incorporated into HB 440.

Patron - Poindexter

HB1488 Use of polygraph on sex offense victims. Provides that no complaining witness of any alleged offense involving criminal sexual activity shall be requested to submit to a polygraph examination as a condition of proceeding with an investigation of the offense. This bill has been incorporated into HB 1043.

Patron - Sherwood

HB1569 Deferred disposition. Allows a court to defer disposition in and discharge and dismiss any criminal case subject to limitations already set forth re deferral and dismissal for specific crimes.

Patron - Morrissey

SB111 Indigent defendants; right to ex parte hearing for appointment of experts in capital cases. Provides that an indigent defendant who has been charged with a capital offense may move for the appointment of experts to assist in the preparation of his defense. The court shall hold an ex parte hearing on such a motion and may order the appointment of an expert. The expert's work product is protected by attorney-client privilege; however, the defendant shall comply with the discovery rules set forth in the Rules of the Supreme Court. This bill has been incorporated into SB 369.

Patron - McDougle

SB152 Criminal procedure; admission to bail. Adds a presumption, subject to rebuttal, against admitting to bail any alien charged with a criminal offense who is in the United States illegally as verified by the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security. This bill has been incorporated into SB 623.

Patron - Stuart

SB183 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 alien, who commits (i) a violent felony, (ii) DUI manslaughter whether in a motor vehicle or watercraft, (iii) DUI, (iv) refusal of a test after DUI arrest or after forfeiture of license, or (v) driving after forfeiture of license and committing certain crimes, while an alien present in the United States without authority, and requires judicial officers prior to a bail hearing, to determine whether the person is an alien who is present in the United States without authority, as verified by the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security. This bill has been incorporated into SB 623.

Patron - Herring

SB409 Disqualification for appointment as special conservator of the peace. Provides that no person with a conviction for a criminal offense involving (a) moral turpitude, (b) assault and battery, (c) damage to real or personal property, (d) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (e) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or (f) any felony, or for any Class 1 misdemeanor involving firearms, is eligible to become a special conservator of the peace. Currently, the listing includes any conviction of a criminal offense involving firearms, which would include Class 2, 3, and 4 misdemeanors as disqualifiers.

Patron - Puckett

SB441 Crime victims; immigration status. Provides that no law-enforcement officer or other agent of state or local government shall inquire into the immigration status of any person who reports that he is the victim of a crime or is the parent or guardian of a minor victim, or is a cooperating witness in a criminal investigation or is the parent or guardian of a minor witness. The bill does not prohibit a law-enforcement officer from inquiring into the immigration status of a victim or witness who has been arrested and charged with a criminal violation, or when such inquiry is required by federal law or is essential to the investigation or prosecution of the crime to which the person is a witness or of which the person is a victim. This bill incorporates SB 639.

Patron - Howell

SB515 Impoundment of motor vehicle for driving without an operator's license. Allows law enforcement to use a portable device to fingerprint a person who drives without having been issued a license and requires the Central Criminal Records Exchange to receive, classify, and file any fingerprints submitted for such a violation. The bill also provides that any adult who is arrested for driving without an operator's license after previously being convicted of the same offense shall suffer a 30-day impoundment of his motor vehicle.

Patron - Cuccinelli

SB548 Presumption against bail. Provides a presumption against bail for a person charged with failure to appear.

Patron - Hurt

SB626 Disposition of incompetent defendants. Provides that if, after a determination of a defendant's competency to stand trial is made, a court finds that a defendant is and is likely to remain incompetent for the foreseeable future, the court shall order that the defendant be (i) released, (ii) involuntarily committed, (iii) reviewed for commitment as a sexually violent predator, or (iv) certified as eligible for admission to a training center for persons with mental retardation. The bill also provides that duration of the treatment to restore the competency of a defendant charged with a misdemeanor, other than an offense against person or property involving the intentional threat of or the attempted or actual infliction of physical harm, shall be limited to 45 days. This bill has been incorporated into SB 380.

Patron - Reynolds

SB628 Waiving interest during period of incarceration. Authorizes the circuit court, for good cause shown and upon motion of the defendant, to waive interest on unpaid fines and costs imposed by a judgment of that court that accrued during any period that the defendant was incarcerated.

Patron - Ticer

SB639 Crime victims and witnesses; immigration status. Prohibits law enforcement from questioning or investigating the immigration status of a person who reports that he was a victim of or witness to a crime. This bill has been incorporated into SB 441.

Patron - Ticer

SB677 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 - Puckett

SB733 Presumption against admission to bail for illegal aliens. Adds a presumption, subject to rebuttal, against

admitting to bail any alien who has committed any criminal offense and is an alien who is present in the United States illegally and subject to detention by the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security. This bill has been incorporated into SB 623.

Patron - Smith

Carried Over

HB553 Deferred disposition. Allows a court to defer disposition in and discharge and dismiss any criminal case.

Patron - Griffith

HB587 Restitution; juvenile. States that if the juvenile is under the age of 16, the court may not order restitution exceeding \$2,500 and that in any case of juvenile restitution, the court may order the parents of the juvenile to pay.

Patron - Marsden

HB996 Presumption of no bail upon conviction of a violent felony. Provides that when a judicial officer considers bail, he shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if the person has been convicted of, but not sentenced for, any crime for which bail is presumed unavailable at charge, a violent felony as defined in § 17.1-805, or an attempt to commit any such offense.

Patron - Bell

HB1209 Deferred disposition. Allows a court to defer disposition in, and discharge and dismiss, any criminal case. Currently, discharge and dismissal is available only for certain crimes and with specific conditions.

Patron - Melvin

HB1336 Deferred disposition. Allows a court to defer disposition in, and discharge and dismiss, any criminal case. Currently, discharge and dismissal is available only for certain crimes and with specific conditions.

Patron - Barlow

HB1520 Failure to comply with sentencing order; penalty. Creates a Class 1 misdemeanor for willfully and knowingly failing to surrender to jail at the time ordered by the court.

Patron - Massie

SB275 Mentally ill defendants; treatment. Adds a provision that a defendant in a criminal matter may be hospitalized if so seriously mentally ill as to be unable to care for himself. Under current law the standard is "imminently dangerous to himself or others." The provision applies to pretrial, after conviction but before sentencing and after sentencing. The bill specifies that the evaluation must be done in person by an employee of the community services board or its designee who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Patron - Cuccinelli

SB369 Indigent defendants; right to ex parte hearing for appointment of experts in capital cases. Provides that an indigent defendant who has been charged with a capital offense may move for the appointment of experts to assist in the preparation of his defense. The court shall hold an ex parte hearing on such a motion and may order the appointment of an expert.

The expert's work product is protected by attorney-client privilege; however, the defendant shall comply with the discovery rules set forth in the Rules of the Supreme Court. This bill incorporates SB 111.

Patron - Watkins

CSB440 Mentally ill defendants; treatment and hospitalization. Establishes a new standard for hospitalizing mentally ill criminal defendants. Hospitalization may occur when the defendant has a mental illness and there exists a substantial likelihood that, as a result of that mental illness, the defendant will, in the near future, cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm. Under current law the standard is "imminently dangerous to himself or others." The provision applies to pretrial, after conviction but before sentencing, and after sentencing. The bill specifies that the evaluation must be done face-to-face by an employee of the community services board or its designee who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Patron - McEachin

CSB638 Notification of service of protective order. Provides that persons who have obtained a protective order shall receive notice of the service of such order by the local police department, sheriff's office, or other law-enforcement agency that served the order on the person subject to the order. The notification may be made through the Virginia Statewide VINE (Virginia Information and Notification Everyday) System.

Patron - Ticer

CSB771 Extradition. Clarifies that a sheriff or police chief of a locality may hire a private entity to perform extraditions on behalf of the Commonwealth.

Patron - Hurt

Domestic Relations

Passed

PSB188 Virginia Military Parents Equal Protection Act; creation. Allows a court to enter a temporary order modifying custody or visitation based on a parent's deployment. Upon the motion of the deploying parent returning from deployment, the court shall hold an expedited hearing within 30 days. At the hearing, the nondeploying parent bears the burden of showing that reentry of the custody or visitation order in effect before the deployment is no longer in the child's best interests. The bill also requires that any temporary custody or visitation order entered pursuant to this Act shall provide that (i) the nondeploying parent shall reasonably accommodate the leave schedule of the deploying parent, (ii) the nondeploying parent shall facilitate telephonic and electronic mail contact between the child and the deploying parent, and (iii) the deploying parent shall provide timely information regarding his leave schedule to the deploying parent. This bill incorporates SB 170.

Patron - Herring

PSB313 Child support; exemption; parents who are imprisoned for life. Clarifies that only parents who are imprisoned for life with no chance of parole are exempted from paying the presumptive minimum child support obligation of \$65

per month. Currently, all parents who are imprisoned with no chance of parole are exempted.

Patron - Edwards

PSB328 Divorce; service by indigents. Provides that in a suit for annulment, divorce, or affirmance of a marriage, if a plaintiff is indigent and the defendant is not a resident of the Commonwealth or cannot be located, the order stating the object of the suit and grounds thereof shall, in lieu of publication, be mailed to the defendant at his last known address and posted on the courthouse door.

Patron - Quayle

PSB330 Admissibility of mental health care records in custody and visitation cases. Repeals the current law that 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. This bill incorporates SB 331.

Patron - Quayle

PSB608 Crimes; effect of subsequent marriage to child over 14 years of age. Repeals the code section that provides a defense to carnal knowledge of a child 14 years of age or older when there is a subsequent marriage of the victim and the perpetrator. HB 597 is identical.

Patron - Stolle

Failed

FHB729 Marriage license. Requires that the marriage record prepared by the clerk in issuing a marriage license include the last four digits of the social security number of each party if such number has been issued to the party by the Social Security Administration.

Patron - Scott, E.T.

FHB1325 Child support; exemption; parents who are imprisoned for life. Clarifies that only parents who are imprisoned for life with no chance of parole are exempted from paying the presumptive minimum child support obligation of \$65 per month. Currently, all parents who are imprisoned with no chance of parole are exempted.

Patron - Toscano

FBSB170 Custody and visitation; modification based on active military duty. Provides that a court cannot modify a custody or visitation order when one parent is on active military duty; however, a court may enter a temporary order modifying the prior custody or visitation order if it is in the best interests of the child. Any such temporary order expires upon the termination of the parent's active military duty, and the prior order is reinstated. Any such temporary order may also include a delegation of the visitation rights of a parent on active military duty to another person with a legitimate interest. This bill has been incorporated into SB 188.

Patron - Blevins

FBSB331 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. This bill has been incorporated into SB 330.

Patron - Cuccinelli

SB629 Child support; incarcerated parents. Provides that the child support payments of a parent who is sentenced to a term of incarceration of at least six months shall be tolled during the term of incarceration upon the motion or request of the parent. Child support payments that are tolled continue to accrue during the term of incarceration and, upon the parent's release, the amount of his support arrearages shall be calculated and a payment plan shall be established. The provisions of the bill will become effective only if an appropriation of general funds effectuating the purposes of the bill is included in a general appropriations act.

Patron - Ticer

Carried Over

HB700 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

HB1074 Expedited hearings; active duty military. Provides that persons on active duty military may motion the court for an expedited hearing on custody and visitation matters.

Patron - Suit

SB725 Grounds for divorce; minor children. Provides that a married couple who have minor children may not obtain a divorce based on separation if the other party files a written objection with the court.

Patron - Cuccinelli

Drainage, Soil Conservation, Sanitation and Public Facilities Districts

Passed

SB706 Hampton Roads Sanitation District. Redefines the term "sewage disposal system." The bill also provides that all construction contracts, except in cases of emergency, that the District's Commission may let for construction, or materials in connection with such construction, shall be let after public advertising and in accordance with the provisions of the Virginia Public-Private Education Facilities and Infrastructure Act of 2002, as well as all subsequent amendments and additions to Virginia public procurement law. The bill also requires that the Virginia Department of Environment Quality approve any substantial change in the method used by the Commission for treating and disposing of sewage and industrial wastes so as to prevent the pollution of any waters within the District as effective and satisfactory for the purpose intended. Further, the District may enter into any contract that the Commission determines to be necessary or appropriate to place any obligation or investment of the District, as repre-

sented by bonds or the investment of their proceeds, in whole or in part, on the interest rate, cash flow or other basis desired by the Commission.

Patron - Norment

Education

Passed

HB97 Advanced technical diploma. Clarifies the diplomas available to students who complete both the requirements for an advanced studies diploma and a concentration in career and technical education.

Patron - Purkey

HB137 Textbook purchasing contracts. Permits local school boards to enter into contracts with publishers for the purchase of textbooks. The bill expands the definition of textbook to include print and electronic media. The bill reorganizes the textbook purchasing process and repeals several sections of outdated code. Also provides that if consumable materials are sold to students, the local school board must provide those materials at a reduced price, or free of charge, to students who are unable to afford them. This bill is identical to SB 356.

Patron - Peace

HB241 Board of Education supervision of programs for school-age children in certain hospitals. Requires the Board of Education to supervise provision of education and training to school-aged children who are patients at the children's hospital associated with the Virginia Commonwealth University Health System Authority. This bill contains an emergency clause. This bill is identical to SB 357.

Patron - O'Bannon

HB242 Standards of Learning; physical fitness program. Requires local school boards to provide a physical fitness program with a goal of 150 minutes per week for all students.

Patron - O'Bannon

HB246 Department of Education; best practices database. Requires the Department of Education to develop a database of local school divisions' best practices regarding nutrition and physical education, including results of wellness-related fitness assessments. The database shall be accessible to all local school divisions and the Department of Health, and no school division shall be required to submit information to the database. This bill is identical to SB 61.

Patron - O'Bannon

HB259 Students transferring out of a local school division. Requires a local school division to obtain written documentation of a student's transfer before making any status classification in an information management system.

Patron - Fralin

HB354 Textbook purchasing contracts. Permits local school boards to enter into contracts with publishers for the purchase of textbooks. The bill (i) expands the definition of textbook to include print and electronic media; (ii) reorganizes the textbook purchasing process and repeals several sections of outdated Code; (iii) provides that if consumable materials are sold to students, the local school board must provide those materials at a reduced price, or free of charge, to students who are unable to afford them; and (iv) allows any private school to purchase from a local school board's contract with the pub-

lisher, with the approval of both the local school board and the publisher.

Patron - Cole

HB506 Virginia Teaching Scholarship Loan Program. Expands the scholarship program to award scholarships to students in an approved teacher education program leading to an endorsement in career and technical education. This bill is identical to SB 169.

Patron - Hamilton

HB767 Home instruction of children. Eliminates (i) the requirement that correspondence courses must be approved by the Superintendent of Public Instruction in order to qualify as a suitable program for home instruction and (ii) the provision allowing parents to provide programs that are judged by the division superintendent to include the standards of learning objectives for language arts and mathematics. In addition, the bill allows for the provision of home instruction if the parent provides a program through distance learning or if the parent provides evidence that he is able to provide an adequate education for the child.

Patron - Tata

HB769 Literary Fund; memoranda of lien. Provides that upon request of a locality, any memoranda of lien deposited with the State Treasurer on behalf of the Literary Fund prior to July 1, 2007, shall be released.

Patron - Tata

HB770 System of accounting in public schools. Establishes technology as a major classification of school funds.

Patron - Tata

HB771 Joint and regional schools. Provides that any joint, regional, or regional charter school in operation prior to July 1, 2008, may request a waiver from any new regulation requirements promulgated after that date. Also, the bill provides that any joint or regional school, such as academic year Governor's Schools, may set the school calendar so that the first day students are required to attend school will comport with the calendar of any of the participating school divisions, including those granted a waiver to start before Labor Day. This bill contains an emergency clause.

Patron - Tata

HB777 Commission on Civics Education. Extends the sunset provision applicable to the Commission from July 1, 2008, to July 1, 2010. This bill is identical to SB 306.

Patron - Tata

HB809 Provisional and local eligibility licenses; military personnel. Permits the Board of Education to extend a three-year provisional license an additional year for each school year or portion thereof for which a teacher is activated or deployed for military service. The bill provides that local school divisions may offer a similar extension to teachers holding three-year local eligibility licenses. This bill contains an emergency clause.

Patron - Ward

HB936 Local composite index; number of students. Increases from 350 to 1,100 the maximum number of students allowed for a school division to qualify to have its state share of aid adjusted, based on a cost-sharing agreement with a neighboring school division. In addition, only those school divisions located in a locality with a composite index of .6000 or greater that has at least 65 percent of its local taxes coming from real estate taxes would qualify. The bill provides that no additional supplemental basic aid payments shall be made prior

to July 1, 2010, and the sum of the basic aid payment and any supplemental basic aid payment would not exceed the basic aid payment appropriated to the locality by the 2007 session of the General Assembly.

Patron - Gilbert

HB1135 Expression of religious viewpoints in the public schools. Provides that a student's voluntary expression of a religious viewpoint on an otherwise permissible subject must be not be discriminated against by local school divisions.

Patron - Fralin

HB1183 Requirements for home instruction of children. Provides that an appropriate evaluation that a parent may submit to the division superintendent in order to indicate an adequate level of educational growth and progress includes: (i) an evaluation letter from a person licensed to teach in any state, or a person with a master's degree or higher in the field of education, having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress; or (ii) a report card or transcript from a community college or college, college distance learning program, or home education correspondence school.

Patron - Lingamfelter

HB1242 Physical or sexual abuse of a child; school employees. Prohibits the employment of an applicant for employment requiring direct contact with students if such applicant is the subject of a founded case of physical or sexual abuse of a child. Additionally, the bill requires the dismissal of a teacher who while employed by a local school board, becomes the subject of a founded case of physical or sexual abuse of a child and has exhausted all available appeals. This bill also requires the Department of Social Services to report any founded complaints of sexual abuse of a child to a school board, where the subject of the report is a full-time, part-time, permanent or temporary teacher in a school division located within the Commonwealth.

Patron - Bell

HB1425 No Child Left Behind; withdrawal. Requires the Board of Education to make a recommendation to the General Assembly on whether Virginia should withdraw from the federal No Child Left Behind (NCLB) Act, unless reauthorization of the Elementary and Secondary Education Act provides the necessary revisions in the NCLB Act that allow Virginia's existing educational accountability system, as set forth in the Standards of Quality, Standards of Learning, and Standards of Accreditation, to substantially meet the accountability requirements of the federal law. If the Board recommends withdrawing from participation in NCLB, the Board must develop a plan for withdrawal and must submit such plan to the Governor and the General Assembly for their consideration by June 30, 2009. This bill is identical to SB 490.

Patron - Landes

HB1439 School employees; criminal acts. Requires the court clerks to notify the Superintendent of Public Instruction when a person known to be licensed by the Board of Education is convicted of a felony drug crime or certain felony sex crimes involving a child victim. The bill also requires (i) local school boards to develop policies and procedures to address complaints of sexual abuse of a student by a teacher or other school board employee; (ii) the Board of Education to include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure in its regulations; (iii) notification by the local school board to the Board of Education when a licensed employee of a school board is dismissed or resigns because of certain criminal convictions or a founded child abuse or neglect case; (iv) notification by the local

department of social services to the Superintendent of Public Instruction when the subject of a founded complaint of child abuse or neglect is known to hold a license from the Board of Education; and (v) the Board of Education to revoke the license of any person who has resigned because he has been convicted of a felony, sex offense, drug offense or because he is the subject of a founded case of child abuse or neglect. This bill incorporates HB 1067. This bill is identical to SB 241.

Patron - Frederick

SB44 At-risk students; after school programs. Allows local school boards to establish after school programs designed to prevent at-risk youth from engaging in illegal or gang-related activities for school aged children. Local funds appropriated for educational purposes may be used to support such programs.

Patron - Miller, Y.B.

SB61 Department of Education; best practices database. Requires the Department of Education to develop a database of local school divisions' best practices regarding nutrition and physical education, including results of wellness-related fitness assessments. The database shall be accessible to all local school divisions and the Department of Health, and no school division shall be required to submit information to the database. This bill is identical to HB 246.

Patron - Howell

SB169 Virginia Teaching Scholarship Loan Program. Expands the scholarship program to award scholarships to students in an approved teacher education program leading to an endorsement in career and technical education. This bill is identical to HB 506.

Patron - Blevins

SB306 Commission on Civics Education. Extends the sunset provision applicable to the Commission from July 1, 2008, to July 1, 2010. This bill is identical to HB 777.

Patron - Reynolds

SB326 Career and technical education; industry certification. Requires the Board of Education to develop a plan for increasing the number of students receiving industry certification and state licensure as part of their career and technical education.

Patron - Wagner

SB356 Textbook purchasing contracts. Permits local school boards to enter into contracts or issue purchase orders with publishers for the purchase of textbooks. The bill reorganizes the textbook purchasing process and repeals several sections of outdated code. Also provides that if consumable materials are sold to students, the local school board must provide those materials at a reduced price, or free of charge, to students who are unable to afford them. This bill is identical to HB 137.

Patron - Watkins

SB357 Programs and teachers in regional detention homes, agencies, and institutions. Requires the Board of Education to supervise the program of evaluation, education and training provided to school-age children by the teaching hospital associated with the Virginia Commonwealth University Health System Authority. This teaching hospital is added to the list of those education and training programs provided by agencies and institutions that the Board is required to prepare and supervise. This bill contains an emergency clause. This bill is identical to HB 241.

Patron - Watkins

SB376 Local school divisions; annual budget. Requires local school divisions to publish their annual budget on the local school division website. If there is no local school division website, the budget must be available in hard copy. This bill has a delayed effective date of January 1, 2009.

Patron - Stuart

SB490 No Child Left Behind; withdrawal. Requires the Board of Education to make a recommendation to the General Assembly on whether Virginia should withdraw from the federal No Child Left Behind (NCLB) Act, unless reauthorization of the Elementary and Secondary Education Act provides the necessary revisions in the NCLB Act that allow Virginia's existing educational accountability system, as set forth in the Standards of Quality, Standards of Learning, and Standards of Accreditation, to substantially meet the accountability requirements of the federal law. If the Board recommends withdrawing from participation in NCLB, the Board must develop a plan for withdrawal and must submit such plan to the Governor and the General Assembly for their consideration by June 30, 2009. This bill is identical to HB 1425.

Patron - Hanger

SB559 Local composite index; number of students. Increases from 350 to 1,100 the maximum number of students allowed for a school division to qualify to have its state share of aid adjusted, based on a cost-sharing agreement with a neighboring school division. In addition, only those school divisions located in a locality with a composite index of .6000 or greater that has at least 65 percent of its local taxes coming from real estate taxes, would qualify. The bill provides that no additional supplemental basic aid payments shall be made prior to July 1, 2010, and the sum of the basic aid payment and any supplemental basic aid payment would not exceed the basic aid payment appropriated to the locality by the 2007 Session of the General Assembly.

Patron - Obenshain

SB640 Family life education; mental health. Adds mental health education and awareness to the list of topics to be covered in family life education curricula.

Patron - Ticer

Failed

HB60 Require 65% of each education dollar be spent in the classroom. 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 percent 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

HB92 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

HB107 Public schools; grade placement test. Requires the Board of Education to develop or approve a standardized test to be used to determine the appropriate grade placement for a student transferring from a private school to a public school.

Patron - Cole

HB120 Education; computation of composite index. Requires the General Assembly to adjust the state share of providing an educational program meeting the Standards of Quality, for all localities that have adopted a land-use plan. The state share for such localities will be increased by an amount equivalent to the state share if a real property tax value indicator of local wealth were used that incorporates the land-use assessment value for those properties within a land-use plan.

Patron - Lingamfelter

HB150 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

HB209 Standards of Quality; support personnel. Requires each local school board to establish a collaborative agreement with a local law-enforcement agency to employ one full-time school resource officer for each school.

Patron - Cole

HB255 School calendar. Makes local school boards responsible for setting the school calendar and determining the opening of the school year, and eliminates the post-Labor day opening requirement and "good cause" scenarios for which the Board of Education might grant waivers of this requirement.

Patron - Fralin

HB283 Family life education; parental notification. Requires school divisions to distribute to the parents or guardians of a student participating in the family life education program a summary of the program implemented by the school division. In addition, the summary language is included.

Patron - Toscano

HB291 Local school boards; duties. Requires local school boards to develop written plans prescribing a procedure for: (i) designating school bus stop locations; and (ii) ensuring that no school bus stops shall be located within 50 feet of the home of an individual required to be registered as a sex offender pursuant to § 9.1-901.

Patron - Englin

HB355 General Education Development testing program. Lowers the age for the General Education Development (GED) testing program from 18 to 16 years of age with the written permission of a parent.

Patron - Cole

HB375 Nonpublic school students; participation in interscholastic sports. Directs a nonprofit corporation founded in Virginia in 1913 to organize and govern interscholastic activities among the public high schools to provide an exception to its rules allowing eligibility for participation in interscholastic sports by any nonpublic school student who is eligible for free tuition in a public school in Virginia.

Patron - Carrico

HB417 Certain information required on birth certificates for entrance to public schools. Requires principals or their designees to record in the pupil's permanent school record the place and country of birth collected from information obtained on the birth certificate or affidavit submitted in lieu of the birth certificate. This bill also requires each school board to collect and report from the birth certificates and affidavits, the number of pupils without identifiable information enrolled in the public schools of the school division, by place and country of birth. Local school boards and the Superintendent of Public Instruction must also collect similar information during the triennial school census and report the findings on their websites and make the information available in writing upon request.

Patron - Marshall, R.G.

HB419 Computation of composite index. Requires the General Assembly to reduce a county or city's composite index 0.0100 for every five hundred students with limited English proficiency attending public school in that county or city.

Patron - Marshall, R.G.

HB449 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 - Rust

HB494 Project Lead the Way Launch Program. Provides matching state funding to a local school division that launches the Project Lead the Way Program in a division high school. Awards from the fund must be matched on at least a dollar-for-dollar basis by the respective local school division, with private funds, or any combination thereof, for the purposes of initiating a Project Lead the Way Program in a division's high school. This bill is a recommendation from the Joint Subcommittee to Study Science, Math, and Technology Education in the Commonwealth at the Elementary, Secondary, and Undergraduate Levels (HJR 25, 2006).

Patron - Cosgrove

HB566 Literary Fund; distributions. Raises the maximum limit for any loan from the Literary Fund from \$7.5 million to \$14 million. This bill was incorporated into HB 923.

Patron - Crockett-Stark

HB569 Professional registered nurse; local school boards to employ. Requires each school board to employ at least one experienced professional registered nurse to supervise the nursing services provided throughout the school division.

Patron - Crockett-Stark

HB570 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

HB613 Licensure of certain school personnel. Provides that only classroom teachers must be licensed to teach in the public schools and removes the licensure requirements for division superintendents, principals, and assistant principals. This bill provides that, effective July 1, 2008, Board regulations and local school board policies may establish minimum requirements for such positions, but may not require the completion of a degree or coursework or specialized training currently required for licensure as a division superintendent, principal, and assistant principal. The bill also provides that

any person holding a license in accordance with the provisions of the Code of Virginia and the regulations of the Board of Education may teach in the public schools of the Commonwealth. Persons who would teach in the public schools must hold a baccalaureate degree from an accredited institution of higher education with a majority of the credit hours earned for the degree concentrated in a subject taught in the public schools. The Board's regulations must also require that a majority of credit hours earned, or coursework or in-service training hours completed for the renewal of a license must be concentrated in a subject taught in the public schools. Further, the Board of Education may not require more than nine credit hours in pedagogical or noninstructional related courses as a condition of licensure or licensure renewal. The licensure requirements of other professionals employed by local school boards who are licensed to practice their professions by other professional boards in the Commonwealth remain in effect.

Patron - Poisson

HB614 Public charter school; definition. Amends the definition of "public charter school" to include a publicly chartered individual department or a program in math, science, or other critical shortage discipline area, to exist within a public school.

Patron - Poisson

HB654 Math, Science, and Career and Technical Education Grant Program and Fund. Establishes the Math, Science, and Career and Technical Education Grant Program and Fund to award competitive grants to current teachers in Virginia to obtain master's degrees.

Patron - Moran

HB671 Parental notification; student's receipt of mental health treatment. Requires parental notification from administrative or instructional personnel and school counselors and psychologists who as a result of direct communication with a student have reason to believe that such student is suicidal or is at risk of harming others. In addition, requires parental notification of a student's receipt of mental health treatment for suicidal tendencies or other behavior indicating that such student may be an imminent danger to others. This bill is incorporated into HB 1005.

Patron - Marshall, R.G.

HB722 Local school board policies; classroom placement of twins or higher order multiples. Requires local school boards to develop and implement policies to allow a parent of twins or higher order multiples to request that the children be placed in the same classroom or separate classrooms if they are in the same grade level at the same elementary school.

Patron - Scott, E.T.

HB863 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

HB896 Preadmission physical examinations. Provides that prior to a student entering public preschool, kindergarten, or first grade for the first time, such student must furnish a comprehensive physical examination performed within the 12 months prior to the date such pupil first enters such public preschool, kindergarten, or elementary school.

Patron - Lohr

HB984 Math specialist pilot program. Requires the Department of Education to establish a math specialist grant program to provide grants to six geographically diverse school divisions across the Commonwealth for the purposes of hiring math specialists. The purpose of the project is to determine the long-term feasibility of requiring at least one permanent math specialist for every school division in the Commonwealth. The funding for the pilot program shall be from such funds as are provided for that purpose in the general appropriations act.

Patron - Nutter

HB1048 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. 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

HB1053 Standards of Quality; Standard 2. Increases the requirement for state-supported instructional positions for students identified as having limited English proficiency from 17 full-time equivalent positions for each 1,000 students to 30 full-time equivalent positions for each 1,000 students. This bill was incorporated into HB 437.

Patron - Scott, J.M.

HB1094 Standards of Quality; instructional programs. Requires local school boards to provide an opportunity for every high school student to integrate approved online lessons or instruction or an online experience into required courses.

Patron - Sickles

HB1216 Planning time for school teachers. Requires school boards to ensure that all school teachers are provided at least three hours a week of unencumbered, self-directed planning time.

Patron - Tyler

HB1272 Financial literacy education. Provides that local school boards must require the completion of 12 class hours of instruction in financial literacy as a condition for graduation from the public schools in the Commonwealth.

Patron - Spruill

HB1403 Family life education. Requires instruction on the use of Food and Drug Administration approved methods of contraception to be added to the family life education curriculum in public schools.

Patron - McClellan

HB1440 Kidney disease screening for public school students. Directs each school board to provide parent educational information or, within time periods specified in Board of Education regulations, to implement a program of regular screening for kidney disease for pupils at all grade levels, unless such students are pupils admitted for the first time to a public school and have been tested as part of the required comprehensive physical examination, or the parents of such students have indicated their preference that their children not

participate in such screening. Local school boards are to develop procedures for parents to indicate their desire to "opt out." The Board of Education is to promulgate regulations for the implementation of the screening program, which shall address, but shall not be limited to, requirements and training for school personnel and volunteers who may conduct such screenings; procedures for the notification of parents when evidence of kidney disease is detected; and such other provisions as the Board deems necessary. Local school divisions may seek volunteers from among health care professionals.

Patron - Hull

HB1481 Contractors on school property. Provides that a contractor or his employee may request a waiver from disqualification of providing services because of a felony conviction under certain conditions. The felony conviction must have occurred at least five years prior to the date of the waiver request, and the felony must not have involved: (i) the sexual molestation or physical or sexual abuse or rape of a child; (ii) any crime against the person under Chapter 4 of Title 18.2; or (iii) health and safety under Articles 1 or 1.1 of Chapter 7 of Title 18.2.

Patron - Ware, O.

SB48 Planning time for school teachers. Requires school boards to ensure that all school teachers are provided an average of 30 minutes a day of planning time.

Patron - Whipple

SB124 Superintendent of Public Instruction; eliminating trans fats. Requires the Superintendent of Public Instruction to develop guidelines, based on the FDA's standards for trans fats, with the goal of eliminating foods containing trans fatty acids from public schools. The gradual elimination shall begin with the elimination of trans fats 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

SB155 Family life education. Requires instruction on the use of Food and Drug Administration approved methods of contraception to be added to the family life education curriculum in public schools.

Patron - McEachin

SB267 Teacher compensation; goal. States that it is a goal of the Commonwealth that its public school teachers be compensated at a rate that is competitive with the national average teacher salary.

Patron - Deeds

SB435 Education; computation of composite index. Modifies the current Standards of Quality 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 assessed and taxed at their use value. 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 - Vogel

SB438 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 - Vogel

SB537 Local school boards; grade-changing policies. Requires local school boards to develop and implement policies specifying the criteria and procedures for changing any grade given to a student.

Patron - Barker

SB542 Public schools; abortion services prohibited. Prohibits school divisions and their employees from providing abortion services. The bill also prohibits any provider of abortion services from providing information or course materials related to human sexuality or sexually transmitted diseases. Abortion services means (i) performing, inducing, or assisting in the performance or inducing of an abortion that is not necessary to save the life of the mother; (ii) encouraging a patient to have an abortion or referring a patient for an abortion that is not necessary to save the life of the mother; or (iii) developing or dispensing drugs, chemicals, or devices intended to be used to induce an abortion that is not necessary to save the life of the mother.

Patron - Obenshain

SB557 Preadmission physical examinations. Provides that a pupil's comprehensive physical examination completed within the 24 months prior to the date such pupil first enters a public kindergarten or elementary school is acceptable so long as the physical examination was performed prior to the pupil's attending a public pre-kindergarten program.

Patron - Obenshain

SB567 Standards of Quality; LEP teachers. Increases from 17 to 30 the number of full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency.

Patron - Saslaw

SB655 Contractors; employees having direct contact with students on school property; penalty. Provides that the contractor must certify that all persons having direct contact with students on school property under a contract for the provision of services have not been convicted of a felony barrier crime.

Patron - Newman

SB721 Competitive foods in public schools; report. Requires the Board, in cooperation with the Department of Health, to promulgate and periodically update regulations setting nutritional guidelines for all competitive foods sold during the school day. Also requires (i) the Board to adopt the Governor's Nutrition and Physical Activity Scorecard's nutritional guidelines as the statewide standard for competitive foods; (ii) the Board to report to the General Assembly on the final regulations by December 1, 2010; and (iii) local school boards to report to the Department of Education on their plan to implement the final regulations by 30 days prior to the beginning of the 2011-2012 school year.

Patron - Barker

SB732 Reports of Class 1 misdemeanors to school authorities. Provides that local law-enforcement authorities shall report to the school division superintendent and to the principal or his designee all offenses, wherever committed, by students enrolled in the school if such offense would be a Class 1 misdemeanor if committed by an adult.

Patron - Smith

SB745 Legal presence verification; public schools and higher education. Requires all public schools to verify each child's legal presence, and, if appropriate, to develop a plan to assist the child in attaining legal presence, or to take other appropriate action as determined by the locality. Specifies that no child shall be denied admission to a public school for failure to provide evidence of legal presence. Also requires public institutions of higher education to require proof of legal presence prior to enrollment.

Patron - Hanger

Carried Over

HB273 Interscholastic activities; baseball bats. Requires any nonprofit corporation founded in Virginia in 1913 that currently organizes and governs interscholastic activities among the public high schools to develop, implement, and enforce rules requiring the exclusive use of wood or wood composite baseball bats in interscholastic baseball or softball activities.

Patron - Miller, P.J.

HB379 Public schools; permitted fees and charges. Allows local school boards to withhold a student's report card or diploma because of nonpayment of a fee or charge related to loss or damage of a textbook.

Patron - Marshall, D.W.

HB395 Interstate Compact on Educational Opportunity for Military Children. Establishes a compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents. The compact becomes effective when 10 states enact the compact into law.

Patron - Cole

HB437 Composite index formula for basic state aid to public schools. Requires division superintendents to include the number of students enrolled in the public schools of the school division for whom English is a second language in estimating the amount of money that will be needed during the next fiscal year for the support of the public schools of the school division. Also, the Department of Education must include the percentage of such students in the public schools of each school division when calculating the composite index of local ability-to-pay. In addition, the Superintendent of Public Instruction must prepare or cause to be prepared the calculation of the composite index of local ability-to-pay to include the percentage of such students in every school division. This bill incorporates HB 1053.

Patron - Frederick

HB749 Apportionment of state and local share; adjustments for English as a second language and special education programs. Directs that the General Assembly, in apportioning the state and local share for the costs of providing an educational program meeting the Standards of Quality shall, as provided in the appropriation act, modify the formula that determines each locality's ability to pay for its share of providing an educational program meeting the prescribed Standards of Quality to incorporate statewide average teacher salaries and to provide adjustments for the number of special education students and students receiving English as a second language instruction.

Patron - Caputo

HB759 Annual report of expenditures; local school boards. Requires the annual report of expenditures provided by the school board to the appropriate governing body to also

be made available to the public in sufficient detail for citizens to readily identify how appropriated funds have been spent.

Patron - Poindexter

HB808 Special education services; parental consent. Provides that parental consent must be obtained by a local school division in order to reevaluate a child receiving special education and related services in order to determine the child's continued eligibility, unless the division can demonstrate that it has taken reasonable measures to obtain consent and the parent has failed to respond. Parental consent is also required to terminate services or find that the child is no longer eligible for special education and related services.

Patron - Englin

HB878 Expenditures and reports on instructional spending. Requires each local school board to allocate 65 percent of its operating budget to instructional spending. Local school boards must report annually to the Board of Education the percentage of their operating budgets allocated to instructional spending. Any school division that fails to meet the 65 percent requirement must present a plan to the Board of Education to increase instructional spending by 0.5 percent in the following fiscal year. School divisions failing to submit such a plan must be audited by the Auditor of Public Accounts, who is required to submit recommendations to the Board, including instruction concerning how failing school divisions can increase their instructional spending to 65 percent. In addition, the Board must annually report to the Senate Committee on Finance and the House Committee on Appropriations the amount of spending allocated by the local school divisions to instructional spending based on the reports submitted annually by the local school boards.

Patron - Loupassi

HB1234 Standards of Learning; growth model for student academic achievement. Requires the Board of Education to develop and implement a growth model to assess and measure individual academic performance and achievement from grade to grade. The Board must ensure that the growth model emphasizes instruction and the students' mastery of curriculum content, ensures proficiency in core Standards of Learning subjects, is consistent with the requirements of the No Child Left Behind Act of 2001, and provides flexibility in allowing school divisions to select evaluation and testing instruments to measure student academic performance and achievement, including for state assessment programs.

Patron - Vanderhye

HB1263 Truancy and school dropout prevention. Provides that local school boards must implement school dropout prevention programs and services that include an emphasis on truancy prevention. The bill amends relevant Code sections pertaining to compliance with the compulsory school attendance law to strengthen the authority of local school boards.

Patron - Hall

HB1538 Public schools; abortion services prohibited. Prohibits school divisions and their employees from providing abortion services. The bill also prohibits any provider of abortion services from providing information or course materials related to human sexuality or sexually transmitted diseases. Abortion services means (i) performing, inducing, or assisting in the performance or inducing of an abortion that is not necessary to save the life of the mother; (ii) encouraging a patient to have an abortion or referring a patient for an abortion that is not necessary to save the life of the mother; or (iii) developing or dispensing drugs, chemicals, or devices intended to be used

to induce an abortion that is not necessary to save the life of the mother.

Patron - Pogge

SB408 Literary Fund; distributions. Raises the maximum limit for any loan from the Literary Fund from \$7.5 million to \$14 million.

Patron - Puckett

Educational Institutions

Passed

HB513 Virginia State University Board of Visitors. Increases the Virginia State University Board of Visitors from 11 to 15 members, establishes the term of office of the four additional members, and makes technical and clarifying amendments. This bill is identical to SB 389.

Patron - Dance

HB524 Eligibility for in-state tuition; certain military personnel. Provides that in determining the domiciliary intent of retired military personnel residing in the Commonwealth at the time of their retirement, or the domiciliary intent of their dependent spouse or children who claim domicile through them, who voluntarily elect to establish Virginia as their permanent residence for domiciliary purposes, the requirement to prove domiciliary intent in Virginia for one year is waived. Also, 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, who are either stationed or assigned by their military service to a work location in Virginia and are residing in Virginia are entitled to in-state tuition.

Patron - Suit

HB766 Fraudulent academic credentials; penalty. Makes it a Class 1 misdemeanor to operate a degree/diploma mill and to issue or manufacture a fraudulent academic credential or for a person to use one.

Patron - Tata

HB978 Property transfer; Virginia Tech. Authorizes the board of visitors of Virginia Polytechnic Institute and State University, with the approval of the Governor, to convey 95 acres to the Virginia Tech Foundation, Inc. to allow the expansion of the Virginia Tech Corporate Research Center. This bill is identical to SB 119.

Patron - Nutter

HB979 Tuition Assistance Grants; eligibility. Provides that students attending the Edward Via Virginia College of Osteopathic Medicine shall be eligible for the Tuition Assistance Grant Program. However, no student who enrolled at the college as a full-time student prior to the fall of 2009 shall be eligible for the Tuition Assistance Grant Program.

Patron - Nutter

HB989 Board of visitors; University of Virginia. Provides that all appointments made on or after July 1, 2008, to the board of visitors must be for terms of four years that commence on July 1 of the first year of appointment. Such terms expire on June 30 of the year of scheduled expiration, including appointments made before July 1, 2008. This bill is identical to SB 569.

Patron - Bell

HB1005 Institutions of higher education; notification of mental health treatment. Requires the board of visitors or other governing board of any public institution of higher education to establish policies and procedures requiring the notification of a parent of a dependent student when such student receives mental health treatment at the institution's student health or counseling center and it has been determined that there exists a substantial likelihood that, as a result of mental illness the student will, in the near future, (i) cause serious physical harm to himself or others as evidenced by recent behavior or any other relevant information or (ii) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs. This bill incorporates HB 671 and HB 1251.

Patron - Bell

HB1058 Institutions of higher education; release of educational records. Requires the board of visitors or other governing board of any public institution of higher education to establish policies and procedures requiring the release of a student's educational record if the parent requesting the record claims the student as a dependent.

Patron - Amundson

HB1124 Management agreement with Virginia Commonwealth University. Provides a management agreement between the Commonwealth of Virginia and Virginia Commonwealth University pursuant to the Restructured Higher Education Financial and Administrative Operations Act. This bill is identical to SB 358.

Patron - Jones, S.C.

HB1390 Public institutions of higher education; operational authority. Provides operational authority for public institutions of higher education in the areas of information technology, procurement, and capital outlay pursuant to the Restructuring Act of 2005.

Patron - Putney

HB1438 Educational institutions; governmental instrumentalities. Names Richard Bland College of the College of William and Mary as a governmental instrumentality. This bill contains an emergency clause.

Patron - Cox

HB1449 Public institutions of higher education; crisis and emergency management plans. Requires the board of visitors or other governing body of each public institution of higher education to develop, adopt, and keep current a written crisis and emergency management plan. Such plan must be reviewed and revised every four years. The Department of Emergency Management must assist institutions, as needed, in their development of the plan. The bill also requires each board of visitors to establish a threat assessment team to develop a campus-wide threat assessment policy, and to establish a first warning notification and emergency broadcast system. This bill incorporates HB 489, HB 1268, and HB 1316. This bill is identical to SB 256, SB 538, and SB 539, combined.

Patron - Crockett-Stark

SB98 Longwood University; board of visitors. Increases the Longwood University board of visitors from 11 to 13 members and makes clarifying amendments.

Patron - Ruff

SB119 Property transfer; Virginia Tech. Authorizes the board of visitors of Virginia Polytechnic Institute and State University, with the approval of the Governor, to convey 95 acres to the Virginia Tech Foundation, Inc. to allow the expansion of the Virginia Tech Corporate Research Center.

sion of the Virginia Tech Corporate Research Center. This bill is identical to HB 978.

Patron - Edwards

PSB219 Roanoke Higher Education Authority. Removes Virginia Intermont College from the Board of Trustees that governs the Authority.

Patron - Edwards

PSB256 Public institutions of higher education; crisis and emergency management plans. Requires the board of visitors or other governing body of each public institution of higher education to develop, adopt, and keep current a written crisis and emergency management plan. Such plan must be reviewed and revised every four years. The Department of Emergency Management must assist institutions, as needed, in their development of the plan. This bill is identical to HB 1449.

Patron - Deeds

PSB358 Management agreement with Virginia Commonwealth University. Provides a management agreement between the Commonwealth of Virginia and Virginia Commonwealth University pursuant to the Restructured Higher Education Financial and Administrative Operations Act. This bill is identical to HB 1124.

Patron - Watkins

PSB389 Virginia State University; Board of Visitors. Increases the VSU Board of Visitors from 11 to 15 members, establishes the term of office of the four additional members, and makes technical and clarifying amendments. This bill is identical to HB 513.

Patron - Martin

PSB442 Public institutions of higher education; operational authority. Provides operational authority for public institutions of higher education in the areas of information technology, procurement, and capital outlay pursuant to the Restructuring Act of 2005.

Patron - Houck

PSB510 Institutions of higher education; student lending policies; report. Requires the State Council of Higher Education to develop policies and procedures for disclosing certain information to students on student lending practices. This information shall include (i) the criteria used to determine which lenders, if any, are recommended or endorsed by the school, and (ii) explicit notification that students are free to borrow from any lender of their choosing and are not limited to a list offered by the school. Also, the bill prohibits public institutions of higher education from entering into exclusive agreements with vendors regarding student loans, and prohibits employees from accepting gifts to induce endorsement of certain vendors.

Patron - McEachin

PSB538 Higher education; first warning and emergency notification system required. Mandates that by January 1, 2009, each public institution of higher education establish a comprehensive, prompt, and reliable first warning and emergency notification system for students, staff, and faculty. This bill is identical to HB 1449.

Patron - Obenshain

PSB539 Higher Education; threat assessment teams at each public institution of higher education. Requires the board of visitors or other governing body of every public institution of higher education in the Commonwealth to establish a threat assessment team. The bill also requires the team to adopt

a campus-wide committee charged with education and prevention of violence on campus. This bill is identical to HB 1449.

Patron - Obenshain

PSB569 Board of visitors; University of Virginia. Provides that all appointments made on or after July 1, 2008, to the board of visitors must be for terms of four years that commence on July 1 of the first year of appointment. Such terms expire on June 30 of the year of scheduled expiration, including appointments made before July 1, 2008. This bill is identical to HB 989.

Patron - Saslaw

PSB613 Eastern Virginia Medical School; Board of Visitors terms. Allows officers of the Board of Visitors to serve up to three additional one-year terms. Contains an emergency clause.

Patron - Stolle

PSB636 Higher education; high school records. Allows each public and private institution of higher education to request from its students complete student records, including any mental health records held by the originating school. These records shall be kept confidential as required by state and federal law, including the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

Patron - Cuccinelli

PSB746 Frontier Culture Museum of Virginia. Allows the Museum to lease structures on state property, with consent of the Governor, and allows the Museum to accept donations gathered by the American Frontier Culture Foundation on its behalf.

Patron - Hanger

Failed

FHB14 Admission of illegal aliens to public institutions of higher education. Provides that an alien who is unlawfully present in the United States shall not be eligible for admission to any public institution of higher education in the Commonwealth. This bill incorporates HB 123, HB 425, and HB 1010.

Patron - Peace

FHB37 Educational institutions; selective service registration required. Provides that anyone failing to register for the Selective Service shall not be eligible for admittance to any state public institution of higher education.

Patron - Albo

FHB117 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, 2008. These funds shall be used to award scholarships to students who (i) are domiciled residents of Virginia, (ii) have 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 2008 General Appropriation Act.

Patron - Landes

FHB118 Higher education; academic freedom. Requires each public institution of higher education to annually report to the State Council of Higher Education for Vir-

ginia (SCHEV) the steps the institution is taking to ensure academic freedom and the free exchange of ideas. SCHEV must compile the information and report to the General Assembly by December 31 of the last year of each biennium.

Patron - Landes

HB123 Institutions of higher education; enrollment of aliens. Provides that any alien must present legal documentation of residence or educational status to be eligible for initial enrollment in any public institution of higher education in Virginia. This bill was incorporated into HB 14.

Patron - Hargrove

HB165 Automatic admission to institutions of higher education. Directs the governing boards of public institutions of higher education to provide for the automatic acceptance of those resident students applying for admission who: (i) have graduated from a public or private high school in Virginia with a grade point average in the top 10 percent of such student's graduating class; and (ii) have completed 320 hours of community service in a program approved by the Secretary of Education, in the year preceding the academic year for which the student is seeking admission.

Patron - Poisson

HB167 In-state tuition; reclassification. Provides that if a student obtains a reclassification of domiciliary status from an out-of-state student to an in-state student and such initial out-of-state classification is due to administrative error, the differential between out-of-state tuition and in-state tuition paid by the student must be returned by the institution of higher education.

Patron - Albo

HB182 Consolidation of the Virginia Museum of Natural History and the Science Museum of Virginia. Transfers the governance and operations from the Board of Trustees of the Virginia Museum of Natural History to the Science Museum of Virginia.

Patron - Marshall, R.G.

HB204 Richard Bland College. Integrates Richard Bland College from under the control of the board of visitors of the College of William and Mary into the Virginia Community College System and under the control of the State Board for Community Colleges.

Patron - Marshall, R.G.

HB300 Higher education; sexual violence prevention. Provides that from such funds as may be appropriated for such purpose, the State Council of Higher Education for Virginia (SCHEV) must establish a full-time equivalent position to promote sexual violence prevention at public institutions of higher education. In addition, SCHEV must assist in the development of statewide policies regarding sexual harassment, sexual violence, inappropriate sexual relations, and the requirement for sexual violence prevention programs that provide strategies beyond risk reduction.

Patron - Oder

HB424 Possession of concealed handguns by faculty members at state institutions of higher education. Allows full-time faculty members of state institutions of higher education who possess a valid Virginia concealed handgun permit to carry a concealed handgun on campus.

Patron - Marshall, R.G.

HB425 Birth certificate required for admission to public institutions of higher education; report. Provides that each public institution in Virginia must require first-time enter-

ing freshmen, upon admission, to submit a certified copy of their birth certificate, or an affidavit in the absence of the birth certificate, noting the place and country of birth. Students who fail to submit a certified birth certificate or an affidavit are ineligible for reduced in-state tuition and other state financial aid. Each institution must report this information, without disclosing personally identifiable information, on its website and to the State Council of Higher Education, and make written copies of the information available upon request. The Council must report the aggregate number of such students by place and country of birth on its website. This bill was incorporated into HB 14.

Patron - Marshall, R.G.

HB427 William and Mary Board of Visitors; election by alumni. Requires that nine of the 17 members of the Board of Visitors be elected by the alumni association.

Patron - Marshall, R.G.

HB489 Public institutions of higher education; crisis and emergency management plans. Requires the board of visitors or other governing body of each public institution of higher education to develop, adopt, and keep current a written crisis and emergency management plan. Such plan must be reviewed and revised every four years. The Department of Emergency Management must assist institutions, as needed, in their development of the plan. This bill was incorporated into HB 1449.

Patron - Shuler

HB512 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, 2008. These funds must 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 appropriation act by the 2008 Regular Session of the General Assembly.

Patron - Dance

HB577 Campus police; report of certain incidents to local law-enforcement agency. Requires the chief of the campus police department of a public or private institution of higher education to report the death or an alleged rape of any person on campus property to the local law-enforcement agency of the locality in which the institution is located. The local law-enforcement agency would assume responsibility for leading the investigation, with cooperation from the institution of higher education.

Patron - Alexander

HB672 Higher education; single-sex housing. Provides that each four-year public institution of higher education must establish policies to provide single-sex housing to students that: (i) are entitled to on-campus housing; and (ii) request single-sex living arrangements.

Patron - Marshall, R.G.

HB812 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

HB980 State Board for Community Colleges. Requires the State Board for Community Colleges to establish guidelines for the placement of career coaches in public high schools in the Commonwealth and defines career coaches as a community college employee placed in a public high school or other educational or workforce situation for the purpose of helping high school students explore career aspirations, develop career plans, connect students to workforce and college preparatory programs, and guide students to other community college programs such as dual enrollment and career and technical education. Requires local school boards to consult and cooperate with the State Board for Community Colleges and the guidelines for career coach placement.

Patron - Nutter

HB1010 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 was incorporated into HB 14.

Patron - Hugo

HB1011 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, except for the Virginia Military Institute, Norfolk State University, and Virginia State University, must establish rules and regulations requiring that at least 75% of students admitted and enrolled at the institution be Virginia domiciles.

Patron - Hugo

HB1060 Tuition waiver; senior citizens. Authorizes those individuals who qualified for property tax relief pursuant to § 58.1-3210, for the year preceding the year in which enrollment is sought in any state institution of higher education in the Commonwealth, to register and enroll in courses as a full-time or part-time student for academic credit without paying tuition or fees except fees established for the purpose of paying for course materials.

Patron - Amundson

HB1165 Virginia Teaching Scholarship Loan Program. Expands the program to include those teacher candidates pursuing an endorsement in a math or science discipline. This bill is a recommendation from the Joint Subcommittee to Study Science, Math, and Technology Education in the Commonwealth at the Elementary, Secondary, and Undergraduate Levels (HJR 25 of 2006).

Patron - Saxman

HB1251 Institutions of higher education; notification of mental health treatment. Requires the board of visitors or other governing board of any public institution of higher education to establish policies and procedures requiring the notification of a parent of a dependent student when such student receives mental health treatment at the institution's student health or counseling center and the student is found to be a

danger to himself or others. This bill is incorporated into HB 1005.

Patron - Fralin

HB1268 Public institutions of higher education; crisis and emergency management plans. Requires the board of visitors or other governing body of each public institution of higher education to develop, adopt, and keep current a written crisis and emergency management plan. Such plan must be reviewed and revised every four years. The Department of Emergency Management must assist institutions, as needed, in their development of the plan. This bill was incorporated into HB 1449.

Patron - Ebbin

HB1293 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 of state general fund appropriation for every one dollar donated by private individuals, foundations, or corporations beginning on July 1, 2008. These funds shall be used to award scholarships to students who (i) are domiciled residents of Virginia, and (ii) are enrolled in a Virginia community college.

Patron - Athey

HB1316 Higher Education; threat assessment teams at each public institution of higher education. Requires the board of visitors or other governing body of every public institution of higher education in the Commonwealth to establish a threat assessment team. The bill also requires the team to adopt a campus-wide threat assessment policy and to regularly seek cooperation from (i) residential life; (ii) academic affairs; (iii) law enforcement; (iv) the counseling center; and (v) student judicial affairs. This bill was incorporated into HB 1449.

Patron - Nutter

HB1373 Eligibility for in-state tuition; Native Americans. Provides that any person who is a member of a Native American tribe officially recognized by the Commonwealth is eligible for in-state tuition so long as such membership is verified. Additionally, out-of-state students granted in-state tuition because of the provision must be counted as in-state students for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

Patron - Morrissey

SB125 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 of state general fund appropriation for every one dollar donated by corporations beginning on July 1, 2008, with state appropriations not to exceed \$5 million in any fiscal year. 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 2008 General Appropriation Act.

Patron - Edwards

SB126 Partial tuition waiver; children of university and college faculty. Establishes the Dependent Children of University and College Faculty Tuition Grant Program, to provide a tuition grant equal to 50% of the charge for tuition for the children of current full-time faculty members who have been employed full-time by any one or more public Virginia

colleges or universities for an aggregate period of at least seven years. The tuition grants shall be used for undergraduate education at any public institution of higher education in Virginia.

Patron - Edwards

ESB148 Two-Year College Transfer Grant. Clarifies that (i) grants are made to institutions on behalf of students, not to students directly, (ii) students entering college during summer 2007 term are eligible, (iii) 3.0 grade point average is required only on completion of associate degree program, and (iv) the award amount is a maximum of \$1,000, plus an additional maximum of \$1,000 for engineering, mathematics, nursing, teaching, or science students. The bill also removes the requirement that institutions of higher education reduce state financial aid eligibility by the amount of the grant awarded by the program and allows for prorated grants for eligible part-time students.

Patron - Stosch

ESB434 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.

Patron - Vogel

ESB652 In-state tuition; eligibility of certain individuals. Allows any person to be eligible for in-state tuition who (i) resided with his parent while attending high school in Virginia, (ii) graduated from a public or private high school or received a GED in Virginia, (iii) resided in Virginia for at least three years, (iv) registered as an entering student in an institution of higher education, (v) is not currently in removal proceedings and has petitioned to become a permanent resident, and (vi) has filed, or has a parent who has filed, Virginia tax returns for at least three years.

Patron - Hanger

ESB781 Institutions of higher education; enrollment of aliens. Provides that any alien must present legal documentation of residence or educational status to be eligible for initial enrollment in any public institution of higher education in Virginia.

Patron - Vogel

Carried Over

CHB327 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 a 3.0 grade point average 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

CHB641 Southern Virginia Higher Education Center. Exempts the Southern Virginia Higher Education Center from the provisions and requirements of the Virginia Personnel Act (§ 2.2-2900 et seq.).

Patron - Hogan

CHB752 Enrollment in an institution of higher education; mental health record release authorization. Requires institutions of higher education to obtain a mental health record release authorization from students prior to enrollment.

Patron - Peace

CHB987 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

CHB1109 Tuition waiver; certain veterans. Provides for the waiver of tuition and fees, in excess of federal educational benefits available to the student for the semester in which the student is enrolled, for eligible veterans under certain conditions. The individual institution must determine the eligibility of the applicant for the waiver and must also ascertain that the recipient is in attendance and making satisfactory progress.

Patron - Shannon

CSB705 College of William and Mary; management agreement. Clarifies the management agreement between the Commonwealth and the College of William and Mary to provide that other than the College Building Official, no individual licensed professional architect or engineer hired or contracted with to perform these functions shall also perform other building code-related design, construction, facilities-related project management or facilities management functions for the College on the same capital project

Patron - Norment

Elections

Passed

PHB359 Reporting designated campaign contributions. Requires political committees, out-of-state political committees, and federal political action committees to provide a candidate's campaign committee with information regarding the contributor of any designated contribution so that the candidate can identify the donor of the designated contribution on

his or her campaign finance report. Political party committees and organized political party groups of elected officials are the only entities currently required to report such information. The provisions of the bill will become effective January 1, 2009. This bill is identical to SB 452. This bill incorporates HBs 53, 54, 353, 1134, and 1389.

Patron - Cole

HB637 Campaign Finance Disclosure Act of 2006; applicability to town elections. Authorizes the governing body of any town with a population of less than 25,000, by ordinance, to provide that the provisions of the Act shall apply to elections in the town for town offices. Present law exempts from the provisions of the Act all elections for town office in towns with a population of less than 25,000. The bill also will make the town elections subject to other provisions governing political campaign advertisements (§ 24.2-955 et seq.) in those towns opting to be covered by the Act. The provisions on advertisements apply when the cost or value of the advertisement must be reported as a contribution or expenditure under the Campaign Finance Disclosure Act.

Patron - May

HB684 Elections; form of ballots. Replaces current law provisions specifying the details for the form of ballots with a directive that ballots comply with election law requirements and standards prescribed by the State Board of Elections.

Patron - Brink

HB724 Elections; polling hours; and central absentee voter precincts. Permits the local electoral board, with the agreement of the general registrar, to delay the opening of the central absentee voter precinct from 6:00 a.m. for up to six hours or until noon, so long as the general registrar's office is available for the receipt of returned absentee ballots during that time and the central precinct is in the same location as the general registrar's office.

Patron - Scott, E.T.

HB789 Campaign finance disclosure; filings by political action committees. Requires any political action committee that files its statement of organization on or after October 1 and before the November election day in any odd-numbered year (i) to file a campaign finance report for the committee's activities during that year with its statement of organization and (ii) to file reports within 24 hours of receiving any contribution of \$500 or more during the period between the date of filing its statement of organization and the election day. The bill provides for a civil penalty of \$500 for the failure to file any such report and \$1,000 for each additional failure.

Patron - Ingram

HB798 Absentee ballot applications and procedures. Provides that voters covered by the Uniformed and Overseas Citizens Absentee Voting Act who reside or are stationed outside the continental borders of the United States may receive their blank absentee ballots by electronic transmission. Present law allows these voters to request absentee ballots by electronic transmission. This bill covers the second step of sending the ballot to these overseas voters. The voted ballots will have to be returned by mail. This bill is identical to SB 508.

Patron - Englin

HB800 Implementation of election law changes with respect to special elections. Provides that a change in the election laws enacted at a regular session will not take effect for a special election when the writ for the special election has been issued before the effective date of the law.

Patron - Englin

HB1062 Elections; persons entitled to vote absentee. Adds women who cannot go to the polls on election day because of pregnancy to the list of persons eligible to vote absentee.

Patron - Brink

HB1099 Voter registration lists; access to date of birth information. Provides that the day and month of birth of a registered voter shall not be shown on the pollbook or any registration list or absentee voter records available to the public. Only the year of birth of the voter shall be shown.

Patron - Sickles

HB1127 Campaign finance disclosure; required special reports for certain large contributions. Provides a technical correction to two sections requiring special reports for certain large contributions by adding a cross-reference to the section that covers the manner and place for filing the reports. An existing cross-reference in these sections covers the required contents of the special reports.

Patron - Jones, S.C.

HB1185 Elections; cancellation of voter registration on basis of noncitizenship. Provides that the general registrar shall mail notice to voters who are reported not to be citizens by the Department of Motor Vehicles and that such voters will have 14 days to respond to the notice with a sworn statement that the voter is a citizen. Present law provides for automatic cancellation of the voter's registration by the general registrar on receipt of the report from the Department.

Patron - Lingamfelter

HB1197 Elections; voter registration; and electronic administration systems. Reduces the period of time that registration records must be closed before a general or primary election from 28 to 21 days beginning January 1, 2010. The bill also permits localities to use their own funds to purchase electronic pollbooks that have been approved by the State Board of Elections. Current law authorizes the use of electronic pollbooks only in pilot programs and when paid for by state appropriations.

Patron - Sickles

HB1235 Elections; locking of equipment after election; and timing of special elections. Provides that the period of time that voting equipment must be locked and secured after an election will be until the deadline has passed to request a recount (generally 10 days after the election results are certified); and reduces from 60 days to 55 days the period of time during which a special election cannot be called before a general or primary election. These changes give more flexibility for the scheduling of special elections. This bill is identical to SB 509.

Patron - Bouchard

HB1262 Elections; absentee ballot applications. Permits an absentee ballot to be sent to the address where the absentee voter is temporarily confined due to an illness or disability. Current law allows the ballot to be sent to the absentee voter at any address where he will be located while absent from his county or city of residence but not to a temporary location, such as a rehabilitation center, within his county or city of residence.

Patron - Hall

HB1410 Campaign finance disclosure; campaign advertisement disclosure requirements; publication of paid political advertisements. Reduces from \$500 to \$200 or more the amount of independent expenditures that a person may

make with respect to an election for any office other than a statewide office that will require him to comply with the reporting requirements for independent expenditures under the Campaign Finance Disclosure Act and with the disclosure requirements of the "stand-by-your-ad" law. The bill also provides that a candidate who is clearly identified in a "paid advertisement" is entitled to obtain the identity of the person who submitted the advertisement from the newspaper, magazine, or periodical that published the advertisement.

Patron - Ingram

HB1446 Campaign finance disclosure reports; filing schedule for May elections. Provides for the filing by May election candidates of an additional campaign finance report on April 15 of the election year, complete for activity through March 31 of that year. Current law requires a report to be filed on the eighth day before the May election date complete for activity through the eleventh day before the election and, for March primary candidates only, a report to be filed on the eighth day before the primary date complete for activity through the eleventh day before the primary. These requirements apply to May elections in all cities and in those towns with a population of 25,000 or more (Blacksburg and Leesburg). Emergency.

Patron - Ingram

HB1455 Elections; provisional ballot procedures. Corrects a reference in the Code concerning the handling of provisional ballots to clarify that the information provided by the persons casting provisional ballots will be entered in the precinct provisional ballots log rather than in the pollbook for the precinct. This bill is identical to SB 684.

Patron - Nichols

HB1476 Elections; voting equipment; wireless communications at polling places. Provides exceptions to the prohibition on wireless communications to or from voting devices at the polls on election day. First, the prohibition will not apply to voting equipment purchased by a locality before July 1, 2007. Second, electronic pollbooks may be used. This bill is identical to SB 52. This bill incorporates HB 467, HB 685, and HB 801.

Patron - Rust

HB1477 Elections; town election polling places and processes. Provides an exception to location limitations on town polling places for November town elections to require use of county precincts, modifies the process for including town offices on November ballots, and specifies how to ascertain and report the election results for towns located in more than one county. This bill is identical to SB 757.

Patron - Wright

HB1494 Congressional, Senate, and House of Delegates Districts. Makes technical adjustments between the First and Third Congressional Districts, First and Third Senatorial Districts, and Ninety-Third and Ninety-Sixth House of Delegates Districts to reflect boundary adjustments between York County and the City of Newport News made in 2007.

Patron - Pogge

SB7 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" by cross reference to the definition in The Virginians With Disabilities Act. This bill is identical to HB 310.

Patron - Deeds

SB35 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. The bill also requires logic and accuracy tests to be run on tabulators prior to their being used in a recount.

Patron - Deeds

SB52 Elections; voting equipment; wireless communications at polling places. Provides exceptions to the prohibition on wireless communications to or from voting devices at the polls on election day. First, the prohibition will not apply to voting equipment purchased by a locality before July 1, 2007. Second, electronic pollbooks may be used. This bill is identical to HB 1476.

Patron - Whipple

SB53 Elections; paper and electronic pollbooks. Permits localities to use their own funds to purchase electronic pollbooks that have been approved by the State Board of Elections. Current law authorizes the use of electronic pollbooks only in pilot programs and when paid for by state appropriations.

Patron - Whipple

SB62 Voter registration procedures; applications and receipts. Provides that the state form for the application to register to vote shall contain a receipt that will be given to the applicant by any person receiving the application. The receipt states the name of the office or person receiving the application, the date received, 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 or the State Board of Elections.

Patron - Howell

SB292 Elections; pilot programs to audit optical scan tabulators. Authorizes the State Board of Elections to provide for pilot programs to audit optical scan tabulators in localities that choose to participate with respect to an election in which the margin between the top two candidates for each office on the ballot exceeds 10 percent. The audit will take place only after results of the election have been certified and the time to initiate a recount has expired. The audit may be used to test the accuracy of the tabulators and to evaluate the costs of, and procedures for, audits.

Patron - Herring

SB452 Reporting designated campaign contributions. Requires political committees, out-of-state political committees, and federal political action committees to provide a candidate's campaign committee with information regarding the contributor of any designated contribution so that the candidate can identify the donor of the designated contribution on his or her campaign finance report. Political party committees and organized political party groups of elected officials are the only entities currently required to report such information. The provisions of the bill will become effective January 1, 2009. This bill is identical to HB 359.

Patron - Petersen

SB508 Absentee ballot applications and procedures. Provides that voters covered by the Uniformed and Overseas Citizens Absentee Voting Act who reside or are stationed outside the continental borders of the United States may receive their blank absentee ballots by electronic transmission. Present law allows these voters to request absentee ballots by elec-

tronic transmission. This bill covers the second step of sending the ballot to these overseas voters. The voted ballots will have to be returned by mail. This bill is identical to HB 798.

Patron - Northam

SB509 Elections; locking of equipment after election; and timing of special elections. Provides that the period of time that voting equipment must be locked and secured after an election will be until the deadline has passed to request a recount (generally 10 days after the election results are certified); and reduces from 60 days to 55 days the period of time during which a special election cannot be called before a general or primary election. These changes give more flexibility for the scheduling of special elections. This bill is identical to HB 1235.

Patron - Northam

SB536 Elections; certification of voting equipment. Provides for additional testing of voting equipment in the certification process by individuals with expertise in election management and computer system security. The bill also permits decertification of a product if the vendor fails to supply annual updates on the security and functionality of the product, and it gives the State Board of Elections explicit authority to decertify products based on problems in Virginia or those reported by federal or other state officials.

Patron - Barker

SB684 Elections; provisional ballot procedures. Corrects a reference in the Code concerning the handling of provisional ballots to clarify that the information provided by the persons casting provisional ballots will be entered in the precinct provisional ballots log rather than in the pollbook for the precinct. This bill is identical to HB 1455.

Patron - Colgan

SB715 Freezing election precincts. Prohibits counties and cities from abolishing, creating, or changing precincts between February 1, 2009, and May 15, 2011, except in certain enumerated circumstances. Freezing of precincts for this period of time will allow the United States Bureau of the Census to provide 2010 population data by precinct for redistricting use in 2011.

Patron - Howell

SB757 Elections; town election polling places and processes. Provides an exception to location limitations on town polling places for November town elections to require use of county precincts, modifies the process for including town offices on November ballots, and specifies how to ascertain and report the election results for towns located in more than one county. This bill is identical to HB 1477.

Patron - Ruff

Failed

HB42 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. This bill is identical to SB 277.

Patron - Scott, J.M.

HB43 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, on mathematical accuracy, and on completeness.

Patron - Scott, J.M.

HB46 Campaign finance disclosure reports; identification of contributors. Provides that the disclosure reports must provide the same identifying information for all contributors, including those contributing \$100 or less. Current law permits the reports to state the number of persons contributing \$100 or less and the total amount contributed by those contributors without any identifying information.

Patron - Cole

HB53 Reporting designated campaign contributions. Requires political committees, out-of-state political committees, and federal political action committees to report contributions they receive that are designated for the election of a particular candidate. Political party committees and organized political party groups of elected officials are the only entities currently required to report such information. Such committees will be required to provide a candidate's campaign committee with information regarding the contributor of the designated contribution so that the candidate can identify that contribution on his or her campaign finance report. In turn, candidate campaign committees will be required to report designated contributions transmitted from such committees as being made by the person who designated the contribution. This bill has been incorporated into HB 359.

Patron - Lingamfelter

HB54 Reporting designated campaign contributions to PACs. Requires political action committees, including out-of-state political committees, to report contributions they receive that are designated by the contributor for the election of a particular candidate. Political party committees now are required to file such reports. This bill has been incorporated into HB 359.

Patron - Lingamfelter

HB64 Elections; posting notice of voting qualifications at polling places. Requires the governing body of each county and city to provide posted notices of the constitutional qualifications to vote and the penalties for voting in violation of the constitutional requirements in each polling place. The governing body shall provide for the notices to be posted in the two most commonly used languages in the locality.

Patron - Marshall, R.G.

HB68 Elections; voter registration applications; proof of citizenship. Requires voter registration applicants to provide one of the enumerated proofs of citizenship. The bill takes effect January 1, 2009.

Patron - Marshall, R.G.

HB69 Requirements for print media advertisements sponsored by a political party committee. Requires a political party committee to obtain the permission of its candidate before sponsoring a print media advertisement that clearly identifies the candidate that the party committee is opposing.

Patron - Marshall, R.G.

HB70 Elections, nominations, and form of ballots. Deletes the provision that no individual may appear on the ballot more than one time for any one office. The effect of the bill is to permit "fusion" candidates; i.e., an individual shown on

the ballot as the nominee of more than one political party. The change applies to both paper and machine ballots.

Patron - Marshall, R.G.

HB99 Elections; form of ballots. Provides that all candidates who are nominated by a political party or primary shall be identified by party on the ballot. Present law provides for party identification on the ballot only for candidates for federal, statewide, or General Assembly offices and not for candidates for local offices.

Patron - Poisson

HB122 Campaign fundraising during legislative sessions. Broadens the prohibition against campaign fundraising by members and statewide officials during regular sessions to cover attendance at or sponsorship of political fundraisers for candidates, political parties or committees, and partisan issue advocacy entities. The bill also defines solicitation to cover contribution solicitations made by electronic or digital means on the Internet. This bill has been incorporated into HB 322.

Patron - Lingamfelter

HB199 Elections; lists of registered voters. Permits the State Board of Elections to furnish address lists of registered voters, but not names, at a reasonable cost to local school division superintendents solely for use in conducting the triennial census of school population. This bill is identical to SB 190.

Patron - Marshall, R.G.

HB309 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. This bill is identical to SBs 8 and 69.

Patron - Eisenberg

HB322 Campaign finance; prohibited activities during regular sessions of the General Assembly. Prohibits any General Assembly member, the Governor, Lieutenant Governor, or Attorney General, from attending any event held during a regular session that is sponsored by any political party committee, registered lobbyist, organization or group from which he received a campaign contribution during the previous calendar year. This bill incorporates HB 122.

Patron - Saxman

HB328 November elections for mayors, councils, and elected school boards of cities and towns; related elections, filing deadlines, and requirements. Provides that all elections for city and town mayors, councils, and elected school boards will be held at the November general election. The bill modifies current law, which gives cities and towns an option whether to elect governing bodies and school boards in May or November. These elections may be held in November in even-numbered or odd-numbered years.

Patron - Saxman

HB339 Virginia Advisory Redistricting Commission. Creates an advisory commission to draw plans to redistrict General Assembly and congressional districts in the year 2011 and every 10th year thereafter. The General Assembly has the 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 enactment of the decennial redistricting plans.

Patron - Plum

HB353 Reporting certain designated campaign contributions. Requires political action committees, out-of-state political committees and federal political action committees to report contributions they receive that are designated for the election of a particular candidate. Such committees will be required to provide a candidate's campaign committee with information regarding the contributor of the designated contribution so that the candidate can identify that contribution on his or her campaign finance report. In turn, candidate campaign committees will be required to report designated contributions transmitted from such committees as being made by the person who designated the contribution. The act will become effective on January 1, 2009. This bill has been incorporated into HB 359.

Patron - Cole

HB467 Elections; voting equipment; wireless communications at polling places. Provides an exception to the prohibition on wireless communications to or from voting devices at the polls on election day. The bill authorizes wireless communications after the polls are closed to transmit results from voting equipment by modem to the electoral board. This bill is identical to HB 1476. This bill has been incorporated into HB 1476.

Patron - Watts

HB640 Elections; hours polls are open. Provides that northern Virginia localities may by ordinance extend the 6:00 a.m. to 7:00 p.m. voting hours for an additional two hours until 9:00 p.m. The extended hours will be applicable to all elections in the locality.

Patron - May

HB685 Elections; voting equipment; wireless communications at polling places. Provides exceptions to the prohibition on wireless communications to or from voting devices at the polls on election day. First, wireless communications to transmit results from voting equipment by modem to the electoral board after the polls close is permitted. Second, electronic pollbooks may be used. This bill is identical to HB 801 and SB 52. This bill has been incorporated into HB 1476.

Patron - Brink

HB799 Elections; information to be provided to voters. Requires the State Board of Elections to mail a voter guide to all registered voters in advance of the November general election with information on pending constitutional amendments, statewide referenda, and candidates for statewide or General Assembly office. The bill also authorizes localities to provide voter guides for local elections.

Patron - Englin

HB801 Elections; voting equipment; wireless communications at polling places. Provides exceptions to the prohibition on wireless communications to or from voting devices at the polls on election day. First, wireless communications to transmit results from voting equipment by modem to the electoral board after the polls close is permitted. Second, electronic pollbooks may be used. This bill is identical to HB 685 and SB 52. This bill has been incorporated into HB 1476.

Patron - Englin

HB836 Bipartisan Redistricting Commission created. Establishes a five-member temporary Commission to prepare redistricting plans in 2011 and each tenth year thereafter for the House of Delegates, state Senate, and congressional districts. Appointments to the Commission shall be made one each by the four majority and minority party leaders of the House and Senate from a pool of 24 retired judges appointed

by the Chief Justice of the Supreme Court. Those four appointees shall appoint the fifth member and chairman for the Commission from the pool, or if they cannot agree, the Chief Justice, by lot, shall select the chairman from the pool. The Commission will prepare plans and submit them to the General Assembly. The General Assembly may accept, reject, or amend the plans submitted by the Commission or any member. The Commission shall make recommendations with respect to amendments to the Commission plan and to other plans and may submit additional plans. The bill spells out the standards and process to be followed by the Commission in preparing plans, including opportunities for public comment on the plans. This bill is identical to SB 625.

Patron - Moran

HB860 Special emergency power of the Secretary of the State Board of Elections to maintain uniform application of election laws to special elections. Provides that the Secretary may suspend the implementation of an amendment to the election laws for no more than 60 days in the locality or localities in which a special election is being held on a day other than a general election day if implementation of the amendment would result in a change in the election rules already being applied to the special election.

Patron - Ebbin

HB907 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.

Patron - Jones, D.C.

HB1069 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

HB1070 Redistricting process. Creates a seven-member Citizen Advisory Redistricting Board 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 two Board members are appointed by the Governor after considering recommendations of the state party committee chairs of parties with candidates receiving at least 25 percent of the vote in the last gubernatorial election. This bill adopts apportionment standards of federal and state law (currently, population equality, compactness, and contiguity). This bill is patterned in part after the Vermont redistricting process and 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 enactment of plans by the General Assembly under Article II, Section 6, of the Constitution.

Patron - Brink

HB1134 Reporting designated campaign contributions to PACs. Requires political action committees, including out-of-state political committees, to report contributions they receive that are designated by the contributor for the election of a particular candidate. Political party committees now are

required to file such reports. This bill has been incorporated into HB 359.

Patron - Fralin

HB1162 Campaign finance disclosure requirements; special reports of certain large contributions by candidates for elected office. Requires immediate disclosure of all contributions of \$250 or more received at any time by any candidate for elected office.

Patron - Saxman

HB1276 Elections; persons entitled to vote absentee. Adds persons age 65 and older to the list of persons eligible to vote absentee.

Patron - Spruill

HB1278 Elections; 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, 2009. This bill is identical to HB 621.

Patron - Spruill

HB1389 Reporting designated campaign contributions. Requires political committees, out-of-state political committees, and federal political action committees to report contributions they receive that are designated for the election of a particular candidate. Political party committees and organized political party groups of elected officials are the only entities currently required to report such information. Such committees will be required to provide a candidate's campaign committee with information regarding the contributor of the designated contribution so that the candidate can identify that contribution on his or her campaign finance report. In turn, candidate campaign committees will be required to report designated contributions transmitted from such committees as being made by the person who designated the contribution. The provisions of the bill will become effective January 1, 2009. This bill is identical to HB 359 and SB 452. This bill has been incorporated into HB 359.

Patron - Brink

HB1536 Election for abolition of constitutional officers. Provides that such election may be held at the time of the Presidential election in addition to at the time of election for members of the governing body.

Patron - Marshall, D.W.

SB8 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. This bill is identical to SB 69 and HB 309. This bill has been incorporated into SB 69.

Patron - Deeds

SB38 Bipartisan Redistricting Commission created. Establishes a seven-member temporary commission to prepare redistricting plans in 2011 and each tenth year thereafter for the House of Delegates, state Senate, and congressional districts. Appointments to the commission shall be made one each by the four majority and minority party leaders of the House and Senate and by the state chairmen of the two major political parties. Those six appointees shall appoint the seventh member and chairman for the commission. If they cannot agree, they shall submit the names of the two persons receiving the most

votes to the Supreme Court for the Court to select the chairman. The commission will prepare plans and submit them as bills to the General Assembly. The General Assembly shall then proceed to act on the bills in the usual manner. The bill provides for Commission comments on plans as they change in the legislative process. It also spells out the standards and process to be followed by the Commission in preparing plans, including limitations on the use of political data and opportunities for public comment on the plans. This bill incorporates SBs 105, 243, and 625.

Patron - Deeds

FSB69 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. This bill is identical to SB 8 and HB 309. This bill incorporates SBs 8 and 646.

Patron - Howell

FSB82 Elections; form of ballot. Provides that any candidate for a constitutional office who is nominated by a political party shall be identified on the ballot by the name of his party. Current law provides for party identification on the ballot of candidates only for federal, statewide, and General Assembly offices. The law defines a constitutional office as the county or city office of the clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, or treasurer.

Patron - Cuccinelli

FSB105 Redistricting process. Provides a new method for the preparation of state legislative and congressional redistricting plans; spells out standards for developing plans including population equality, compactness, maintenance of cores of existing districts, and respect for locality boundaries; 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. This bill has been incorporated into SB 38.

Patron - Cuccinelli

FSB190 Elections; lists of registered voters. Permits the State Board of Elections to furnish address lists of registered voters, but not names, at a reasonable cost to local school division superintendents solely for use in conducting the triennial census of school population. This bill is identical to HB 199.

Patron - Herring

FSB243 Virginia Redistricting Commission created. Establishes a seven-member commission to prepare redistricting plans in 2011 and each tenth year thereafter for the House of Delegates, state Senate, and congressional districts. Six appointments to the commission shall be made, one each, by the President pro tempore of the Senate, Speaker of the House of Delegates, minority leaders of the Senate and House, and chairmen of the two major political parties. Those six appointees shall appoint the seventh member and chairman for the commission. The commission will prepare plans and submit them to the General Assembly. The General Assembly may accept or reject the first two plans submitted by the commission and may amend the third plan submitted by the commission. The bill spells out the standards and process to be followed by the commission in preparing plans, including

opportunities for public comment on the plans. This bill has been incorporated into SB 38.

Patron - Howell

FSB277 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. This bill is identical to HB 42.

Patron - Miller, J.C.

FSB523 Elections; paper and machine ballots; write-in votes. Provides that write-in votes will be counted only if the last name of the write-in candidate is spelled correctly as determined by the chief officer of election at the polling place. Ballots with misspelled names shall be void.

Patron - Wagner

FSB534 Campaign finance disclosure; where and how to file candidate reports. Requires candidates, beginning January 1, 2009, for the General Assembly and for local or constitutional offices in counties and cities with a population greater than 100,000 to file campaign finance disclosure reports electronically with the State Board of Elections. Present law gives General Assembly and local candidates the option to file electronically with the State Board. The bill applies statewide to the General Assembly candidates and to the Counties of Fairfax, Prince William, Henrico, Chesterfield, Arlington, and Loudoun and the Cities of Virginia Beach, Norfolk, Chesapeake, Richmond, Newport News, Hampton, Alexandria, and Portsmouth with respect to local candidates.

Patron - Herring

FSB554 Elections; voter identification requirements; absentee voting eligibility and procedures. Revises the list of items that a voter may show to prove identification at the polls. The bill adds to the list several items now allowed to prove the identity of first-time voters for federal elections: a copy of a current utility bill, bank statement, government check, or paycheck that shows the name and address of the voter. The bill deletes the provision that allows a voter to sign a sworn statement that he is the named registered voter he claims to be in lieu of showing identification.

Patron - Obenshain

FSB625 Bipartisan Redistricting Commission created. Establishes a five-member temporary Commission to prepare redistricting plans in 2011 and each tenth year thereafter for the House of Delegates, state Senate, and congressional districts. Appointments to the Commission shall be made one each by the four majority and minority party leaders of the House and Senate from a pool of 24 retired judges appointed by the Chief Justice of the Supreme Court. Those four appointees shall appoint the fifth member and chairman for the Commission from the pool, or if they cannot agree, the Chief Justice, by lot, shall select the chairman from the pool. The Commission will prepare plans and submit them to the General Assembly. The General Assembly may accept, reject, or amend the plans submitted by the Commission or any member. The Commission shall make recommendations with respect to amendments to the Commission plan and to other plans and may submit additional plans. The bill spells out the standards and process to be followed by the Commission in preparing plans, including opportunities for public comment on the plans. This bill is

identical to HB 836. This bill has been incorporated into SB 38.

Patron - Stolle

SB646 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. This bill has been incorporated into SB 69.

Patron - Ticer

SB790 Nominating political party candidates for office. Repeals the provision that (i) allows an incumbent General Assembly member to select the method of nomination to be used in nominating the candidate of his political party for his office and (ii) provides for other offices that the party shall nominate its candidate by a primary if the incumbent officeholder was nominated by primary and does not agree to waive a primary. The repealed provisions are exceptions to the general provision that the political party has the right to determine the method it will use to nominate its candidates.

Patron - Cuccinelli

Carried Over

HB20 Primary elections; voter registration by political party. Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2009, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except the 28 days before an election when the registration records are closed. The state party chairman of each political party must notify the State Board by January 31 of each year of the party rules governing who may participate in the party primary.

Patron - Lingamfelter

HB65 Elections; photo identification required to vote. Specifies that a voter must present a photo identification document issued by Virginia or the United States to vote and eliminates other alternatives now provided under Virginia law. This bill is patterned after the Indiana statute that is the subject of pending cases before the United States Supreme Court challenging the constitutionality of the requirement.

Patron - Marshall, R.G.

HB88 Primary elections; voter registration by political party. Adds party affiliation to the information that an applicant is asked to provide when registering to vote beginning January 1, 2009. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2009, will be designated as independent unless they provide a political party designation to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except the 28 days before an election when the registration records are closed. The state party chairman must notify the State Board by January 31 of each year whether the party will close its primaries and permit only registered party members to participate or whether it will open its primaries to party members and independent voters.

Patron - Marshall, R.G.

HB244 Campaign finance reports; custody and retention requirements. Requires local electoral boards and election officials to retain campaign finance reports filed by

candidate campaign committees so long as the candidate remains in any elected office.

Patron - O'Bannon

HB310 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." This bill is identical to SB 7.

Patron - Eisenberg

HB362 Campaign Finance Disclosure Act; materials to be provided by State Board of Elections and Attorney General. Requires the Attorney General to provide a written explanation of the provisions of the Act that prohibit the personal use of campaign funds and to delineate the differences between prohibited personal uses of campaign funds and permitted uses of the funds. The Attorney General's explanation shall be distributed by the State Board to all candidates, committees, and persons subject to the Act's provisions.

Patron - Purkey

HB619 Elections; prohibited activities at the polls. Adds campaign advertisements as defined in the "stand by your ad" law to the list of campaign materials that cannot be exhibited within the polling place or prohibited area around the polling place. The bill also creates an exception to the prohibition for a voter's wearing apparel and buttons or stickers on a voter's apparel that contain a candidate's name or a political slogan.

Patron - Brink

HB621 Elections; 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, 2009. This bill is identical to HB 1278.

Patron - Brink

HB638 Elections; acquisition of voting equipment by localities; securing voting equipment after the election. Deletes the provision enacted in 2007 that prohibits the acquisition of direct recording electronic (DRE) machines by any locality on and after July 1, 2007. The bill also modifies provisions for securing voting equipment after an election by providing that certain devices do not need to be locked and sealed for 15 days after the election if they are secured by the removal of a memory card, cartridge or other data storage medium and the card, cartridge or other medium is sealed and delivered to the circuit court clerk.

Patron - May

HB687 Campaign telephone calls; disclosure requirements. Requires that the statement that discloses the name of the sponsor of the phone calls shall be made at the beginning of the phone call.

Patron - Valentine

HB802 Elections; persons entitled to have name printed on ballot; online listing of candidates. Requires the State Board of Elections to publish on the Internet the names of candidates for federal, statewide, or General Assembly office within 24 hours of the time when the candidate is certified as qualified for the ballot.

Patron - Englin

☐HB1577 Elections; emergencies; extension of polling hours. Provides for extension of polling hours in emergency situations. This bill is identical to SB 796.

Patron - Cole

☐SB70 Elections; sample ballots. Provides that the State Board of Elections shall assign a different color to each political party that it must use for sample ballots distributed by it during a calendar year.

Patron - Howell

☐SB685 Elections; acquisition of voting equipment by localities; securing voting equipment after the election. Deletes the provision enacted in 2007 that prohibits the acquisition of direct recording electronic (DRE) machines by any locality on and after July 1, 2007. The bill also modifies provisions for securing voting equipment after an election by providing that certain devices do not need to be locked and sealed for 15 days after the election if they are secured by the removal of a memory card, cartridge or other data storage medium and the card, cartridge or other medium is sealed and delivered to the circuit court clerk.

Patron - Colgan

☐SB796 Elections; emergencies; extension of polling hours. Provides for a court-ordered extension of polling hours in emergency situations and situations that interfere with the ability of voters to travel to the polls. The bill provides that no extension shall exceed three hours.

Patron - Barker

Eminent Domain

Failed

☐HB519 Eminent domain; right of reversion. Clarifies that the right of reversion applies to the acquisition of an interest in the real property and is not limited to a fee simple interest in the property.

Patron - Suit

☐SB77 Eminent domain; offer of repurchase to former owner. Makes the "offer to the former owner to repurchase" under eminent domain apply to any interest acquired by the condemnor. Currently, it applies only to fee simple interests.

Patron - Cuccinelli

Fiduciaries Generally

Failed

☐HB950 Uniform Power of Attorney Act (UPOAA). Establishes in the Code of Virginia the Uniform Act that was adopted by the National Conference of Commissioners on Uniform State Laws in 2006. The Act consists of default rules that can be modified if the principal desires. Powers of attorney will be durable unless drafted to expire upon a specified date or event. The UPOAA addresses creation and use, good faith reliance, limitations of agent's powers, refusal to recognize, judicial review, notification of resignation, and other matters. The Act contains an optional statutory form.

Patron - Iaquinto

Fire Protection

Passed

☐HB320 Statewide Fire Prevention Code; fees for inspection; exceptions. Provides that the State Fire Marshal may not charge any fee for permits issued for the inspection of any school. This bill incorporates HB 564.

Patron - Cox

☐SB390 Fire and emergency medical departments and companies; director of fire and emergency medical services. Clarifies that a Director of Fire and Emergency Medical Services may serve the same function as a chief of a fire department.

Patron - Martin

Failed

☐HB564 Statewide Fire Prevention Code; fees for inspection; exceptions. Provides that the State Fire Marshal may not charge any fee for permits issued for inspection of any school, public or private. The bill contains a sunset provision of July 1, 2010. This bill was incorporated into HB 320.

Patron - Crockett-Stark

☐HB1353 Fire Prevention Code; fireworks. Prohibits a locality from restricting the manufacture, transportation, storage, sale or use of any permissible firework. Defines permissible firework as any ground-based or hand-held sparkler, fountain, snake, cap for pistols, spinner or smoke item.

Patron - Gear

Fisheries and Habitat of the Tidal Waters

Passed

☐HB1125 Virginia Port Authority; Craney Island Marine Terminal expansion. Authorizes the Virginia Marine Resources Commission to grant easements and rights-of-way across and in the beds of Hampton Roads Harbor (Lower James River), including a portion of the Baylor Survey, to the Virginia Port Authority, for the eastward expansion of Craney Island.

Patron - Jones, S.C.

☐HB1208 Conveyance of subaqueous lands. Authorizes the Governor to sell and convey approximately 0.103 acre of previously filled subaqueous lands along the Elizabeth River in the City of Norfolk to Fort Norfolk LLC, in accordance with § 28.2-1200.1, which provides that the Commonwealth may convey previously filled subaqueous lands to private parties in an amount equivalent to 25 percent of the assessed value of the specified parcel, exclusive of buildings or other improvements.

Patron - Melvin

☐HB1308 Coastal primary sand dunes. Authorizes additional localities in Tidewater Virginia to adopt coastal primary sand dune ordinances. The bill also includes three additional dune plants in the definition of what constitutes a coastal primary sand dune.

Patron - Morgan

PHB1317 Conveyance of subaqueous lands. Provides that a landowner may obtain a declaration from the Marine Resources Commission as to whether certain property is considered state-owned bottomlands and authorizes the Governor to sell and convey any interest that the Commonwealth retains in approximately 4.316 acres of previously filled subaqueous lands along the Lafayette River in the City of Norfolk to Thornton Hall of Norfolk LLC and 0.051 acre to Thornton Hall Inc. in accordance with § 28.2-1200.1, which provides that the Commonwealth may convey previously filled subaqueous lands to private parties in an amount equivalent to 25 percent of the assessed value of the specified parcel, exclusive of buildings or other improvements.

Patron - Alexander

Failed

FHB303 Moratorium on the harvest of menhaden for commercial purposes. Decreases the annual cap on the harvest of menhaden for commercial purposes by 20 percent each year for five years until a moratorium is reached beginning in 2013. The moratorium will apply to the entire commercial fishery for Atlantic menhaden. Current laws set a harvest cap of 109,020 metric tons and only for the purse seine fishery for Atlantic menhaden that manufactures menhaden into fertilizer, fish meal, and oil.

Patron - Nichols

ESB377 Crab pots; unauthorized taking of crabs. Makes it a Class 3 misdemeanor to take crabs from a crab pot unless authorized by the licensed and identified owner. The punishment for a Class 3 misdemeanor is a fine of not more than \$500.

Patron - Stuart

Carried Over

CSB528 Marine Resources Commission; permits in emergency situations. Allows the Commissioner to waive the normal permitting requirements during emergency situations if he finds that such obligations are inadequate to protect, maintain, or repair existing public water, wastewater, and other utility systems.

Patron - Houck

Game, Inland Fisheries and Boating

Passed

PHB114 Hunting; trap identification. Permits hunters to attach an identification number issued by the Department of Game and Inland Fisheries to traps. Currently, hunters may not set traps without attaching their name and address to the trap.

Patron - Ware, R.L.

PHB115 Hunting; submerged traps. Authorizes the Board of the Department of Game and Inland Fisheries to adopt regulations that allow certain persons to visit completely submerged, conibear-style, body-gripping traps less frequently than every 24 hours.

Patron - Ware, R.L.

PHB319 Special fishing permit. Allows the Director of the Department of Game and Inland Fisheries to permit any

organized groups of patients residing in or receiving outpatient treatment from a veterans or military hospital in Virginia, an adjoining state, or the District of Columbia to fish without having to obtain licenses. They would be allowed to fish in any public waters including those stocked with trout. Currently, the Director can allow a group of persons residing in veterans hospitals to fish in state waters without a license but such a privilege does not extend to fishing in waters stocked with trout.

Patron - Cox

PHB886 Bear hound training season. Allows the training of dogs to hunt bears from one-half hour before sunrise until four and one-half hours after sunset. Currently, the training of dogs to hunt bears is limited to one-half hour before sunrise to one-half hour after sunset.

Patron - Lohr

PHB1016 Killing of deer over bait; local authority. Allows the Director of the Department of Game and Inland Fisheries to allow the killing of deer over bait in counties with a special late antlerless season when specifically requested by the governing body of the locality.

Patron - Hugo

PHB1175 Apprentice hunting license. Authorizes the Department of Game and Inland Fisheries to issue an apprentice hunting license. This license would be issued in lieu of the current state resident or nonresident basic hunting license. It is a one-time license that expires two years from the date of purchase and does not require the licensee to complete a hunter education course. The fee for obtaining the license would be \$10 for residents and \$20 for nonresidents. The purpose of the bill is to extend limited hunting privileges to persons interested in learning about hunting sports. This bill is identical to SB 617.

Patron - Lingamfelter

PHB1482 Damage from bears; non-lethal control measures. Authorizes the Director of the Department of Game and Inland Fisheries to employ non-lethal control measures to control bears that are damaging property. Currently the Director may relocate the bear, but is not explicitly authorized to use other non-lethal control measures such as fencing. Any such measures are permissible only if used within a reasonable period of time.

Patron - Saxman

PSB552 Fishing license; exemptions for persons assisting disabled persons. Exempts nondisabled persons from having to obtain a fishing license when assisting a disabled person to fish as long as the disabled person possesses a valid fishing license. There is already an exemption for those assisting disabled hunters, and this exemption will now extend to disabled fishermen.

Patron - Hurt

PSB617 Apprentice hunting license. Authorizes the Department of Game and Inland Fisheries to issue an apprentice hunting license. This license would be issued in lieu of the current state resident or nonresident basic hunting license. It is a one-time license that expires two years from the date of purchase and does not require the licensee to complete a hunter education course. The fee for obtaining the license would be \$10 for residents and \$20 for nonresidents. The purpose of the bill is to extend limited hunting privileges to persons interested in learning about hunting sports. This bill is identical to HB 1175.

Patron - Stolle

SB765 Water safety enforcement. Requires the Department of Game and Inland Fisheries to provide an enhanced enforcement effort on Smith Mountain Lake during the summer months.

Patron - Newman

Failed

HB872 Wearing blaze orange while hunting. Requires a hunter or any person who accompanies a hunter to wear blaze orange clothing during any firearms deer season, including the muzzleloader season. The bill also increases the amount of blaze orange clothing that has to be displayed from 100 square inches to 250 square inches.

Patron - Johnson

HB1088 Department of Game and Inland Fisheries; disclosure of official records; exceptions. Provides that records of the Department shall be subject to the disclosure provisions of the Freedom of Information Act, except that the social security number of individual applicants for or holders of any hunting, fishing, boating, or trapping license issued by an agent of the Department shall be withheld from public disclosure. The bill provides, however, that such information may be released (i) in accordance with a proper judicial order or (ii) to any law-enforcement agency, officer, or authorized agent thereof acting in the performance of official law-enforcement duties.

Patron - Sickles

HB1250 Personal flotation devices required for children; civil penalty. Requires children 12 years of age or younger to wear a Type I, II, III, or Type V U.S. Coast Guard-approved personal flotation device on recreational vessels under 21 feet in length. The Director of Game and Inland Fisheries may assess any recreational vessel operator found in violation of this provision a civil penalty of up to \$250. However, this penalty may be waived if the person completes a boating safety education course. All penalties collected are to be paid to the Motorboat and Water Safety Fund of the Game Protection Fund. The bill does not apply to a recreational vessel that is moored or anchored, or to children below deck or in an enclosed cabin. The bill defines "recreational vessel" as a vessel manufactured or operated for leisure or recreational purposes, or a vessel leased, rented or chartered for noncommercial use. "Recreational vessel" includes motorboats, sailboats, canoes, kayaks, rowboats, and any other vessel capable of being used for transportation on water, when the vessel is being used for other than commercial purposes. This bill contains a delayed enactment clause until January 1, 2009.

Patron - Poisson

HB1352 Board of Game and Inland Fisheries. Reconstitutes the membership of the Board of Game and Inland Fisheries. Each of the current members would be replaced as their terms of office expired. The new appointments would be made by the Speaker of the House, Senate Committee on Rules and the Governor. As a qualification for appointment, each Board member must have held a resident hunting or fishing license for three years.

Patron - Ware, R.L.

HB1361 Duties of Director of Department of Game and Inland Fisheries. Requires the Director to report quarterly to the Secretary of Natural Resources on the expenses he has control over and to inform the Secretary as to the Department's progress in meeting its goals and objectives.

Patron - Cline

HB1456 Hunting with bow and arrow or crossbow. Allows persons who hunt with a bow and arrow or crossbow to hunt on private lands on Sundays.

Patron - Nichols

SB365 Hunting turkeys. Authorizes localities to prohibit the hunting of turkeys with a rifle. The penalty for violation of the local ordinance is a Class 4 misdemeanor.

Patron - Watkins

SB524 Hunting on Sunday. Allows a person to hunt or kill any wild bird or wild animal on Sundays.

Patron - Wagner

SB708 Urban archery season. Authorizes the Board of Game and Inland Fisheries to allow Sunday hunting with a bow and arrow or crossbow during urban archery season. The bill allows urban localities to authorize Sunday hunting during the urban archery season so long as the local ordinance is consistent with the Board's regulations.

Patron - Stolle

General Assembly

Passed

HB840 Powers and duties of the Division of Capitol Police. Allows the Capitol Police to enter into contracts or agreements with other agencies or localities in the same manner as local governments as may be necessary to carry out the Division's law-enforcement duties.

Patron - Sherwood

HB1391 Virginia Bicentennial of the American War of 1812 Commission. Establishes the Virginia Bicentennial of the American War of 1812 Commission to prepare for and commemorate the 200th anniversary of the war. Composed of 12 members, the Commission is authorized to plan commemorative events and activities, encourage research to promote historical literacy and understanding of the war, and support organizations throughout the state as they plan commemorative events. A special nonreverting fund is established to support the Commission's activities. The Commission expires July 1, 2015. This bill is identical to SB 383.

Patron - Cox

HB1441 Duties of the Division of Legislative Services. Adds to the duties of the Division of Legislative Services the responsibility for providing an annual report to the General Assembly regarding the status of all reports, actions, or data collection required by legislation enacted by the General Assembly, except the appropriation act, or otherwise requested by the General Assembly of agencies and collegial bodies.

Patron - Orrock

HB1529 Brown v. Board of Education Scholarship Awards Committee. Clarifies that the Brown v. Board of Education Scholarship Awards Committee may reduce the scholarship award to any student to ensure that, when the award is added to other financial assistance received by the student, the award does not produce a total of financial assistance in excess of the annual costs of tuition, excluding fees and expenses, and textbooks. Currently, state law requires that the award shall not exceed these annual costs. This bill requires all approved educational agencies enrolling scholarship recipients and receiving

award disbursements on the behalf of such students to notify the Committee and the State Council of Higher Education prior to the start of each term, regarding the total of other financial assistance received by such students. Also, technical amendments have been made to conform provisions pertaining to the dual enrollment of students to the established procedures, protocol, and requirements for dual enrollment of college level students as currently in effect in the Commonwealth. This bill is a recommendation of the Brown v. Board of Education Scholarship Awards Committee.

Patron - Abbitt

SB383 Virginia Bicentennial of the American War of 1812 Commission. Establishes the Virginia Bicentennial of the American War of 1812 Commission to prepare for and commemorate the 200th anniversary of the war. The Commission is authorized to plan commemorative events and activities, encourage research to promote historical literacy and understanding of the war, and support organizations throughout the state as they plan commemorative events. A special nonreverting fund is established to support the Commission's activities. The Commission expires July 1, 2015. This bill is identical to HB 1391.

Patron - Martin

SB464 Virginia Commission on Energy and Environment. Establishes the Virginia Commission on Energy and Environment as a legislative study commission to review and recommend steps to implement the Virginia Energy Plan. The Commission is charged, among other things, to (i) undertake studies and gather information and data, (ii) make recommendations as may be necessary to accomplish its purposes as set forth in the legislation, (iii) make special studies of and reports on measures to secure Virginia's energy future, (iv) establish advisory committees composed of persons with special expertise not represented by individuals serving on the Commission, (v) seek, accept, and expend gifts, grants or donations to enable the Commission to carry out its objectives, (vi) review and make recommendations on legislation affecting energy policy to the General Assembly, and (vii) report annually on its activities during the preceding year to the Governor and the General Assembly. This bill also incorporates SB 627, which proposed to establish a similar executive branch study commission.

Patron - Whipple

SB749 Public-Private Partnership Advisory Commission. Corrects the staff support for the Commission to require that technical assistance will be provided by the Department of General Services. In addition, this bill requires that, prior to entering into negotiation of an interim or comprehensive agreement, a responsible public entity receiving detailed proposals from private entities for a qualifying project must also submit a copy of such agreement to the chairmen of the House Committees on Appropriations and Finance, the chairman of the Senate Committee on Finance, and the Director of the Department of General Services. Further, the responsible public entity must provide a copy of the proposed interim or comprehensive agreement, together with a report describing the extent to which the Commission's recommendations were addressed in the agreement, to the chairmen of the House Committees on Appropriations and Finance, the chairman of the Senate Committee on Finance, and the Director of the Department of General Services at least 30 days prior to the execution of the agreement.

Senate Bill 749 also contains technical amendments to delete duplicative language.

Patron - Stosch

Failed

HB126 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

HB201 Appropriation act and budget bills; searchable electronic copies. Requires the Auditor of Public Accounts to maintain on its website an electronic copy of the current appropriations act and any amendments thereto, and an electronic copy of any budget bill submitted for a new biennium, and all amendments thereto. The electronic copies shall be completely and easily searchable by the citizens of the Commonwealth using a commercial search engine. This bill is incorporated into HB 1360.

Patron - Marshall, R.G.

HB796 Commission on Climate Change. Establishes a Commission on Climate Change in the legislative branch of government with 11 members to develop a Climate Change Action Plan that: (i) characterizes the quantity and source of greenhouse gas emissions in the Commonwealth; (ii) identifies the potential impacts and effects of increasing atmospheric greenhouse gas concentrations on the state; (iii) identifies actions necessary to prepare for and mitigate the likely consequences of climate change; (iv) quantifies a greenhouse gas reduction target; (v) identifies and evaluates both state and regional climate action plans that address climate change and greenhouse gas emissions; and (vi) identifies economically viable programs, policies, and actions that are needed to meet state targets for reducing greenhouse gas emissions. In its development of the Climate Change Action Plan, the Commission shall consider demand-side energy conservation by utilities and consumers; expanding renewable energy portfolios; rate decoupling; time-of-use pricing; mandatory energy efficiency measures; and transportation demand management. Wherever possible, the Commission shall examine opportunities to couple greenhouse gas reductions with economic development and other market based approaches to statewide greenhouse gas reductions. This bill incorporates HB 676.

Patron - Englin

HB920 General Assembly Conflicts of Interests Act; prohibited conduct concerning certain transactions and lobbyist relationships. Prohibits any legislator from voting on a bill or in any manner participating in a legislative transaction if the legislator's partner, agent, or other associate, or an entity with which the legislator is affiliated, receives compensation as a lobbyist with respect to that bill or transaction. Violations of the prohibition are subject the jurisdiction of the appropriate House or Senate Ethics Advisory Panel and to discipline under the Act.

Patron - Joannou

HB963 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. The bill authorizes JLARC to contract for services to perform the review through a competitive procurement process that complies with the Virginia Public Procurement Act. The Commission is required to report to the General Assembly by the first day of the 2009 Regular Session, and thereafter, every four years.

Patron - Shannon

HB1095 Virginia Commission on Bioscience and Biotechnology. Establishes the Virginia Commission on Bioscience and Biotechnology within the legislative branch of state government for the purpose of studying and advancing the development and enhancement of the biosciences and biotechnology in the Commonwealth, and reviewing and implementing appropriate and efficacious recommendations of recent state and national research investigations in these disciplines, including the Governor's Commission on Biotechnology. The Commission is also charged, among other things, to review, continue, and expand the work of the Governor's Commission on Biotechnology, and to develop a strategic plan that will foster bioscience and biotechnology research in the Commonwealth and establish Virginia as a national and global leader in the field.

Patron - Sickles

HB1163 Information for state taxpayers. Requires the Auditor of Public accounts to add to the database he is required to make available to citizens regarding the Commonwealth's expenditures and other information for the most recent ten fiscal years, an interactive program so that state taxpayers may input any amount of their state income and sales taxes and be provided information on how such amount has been apportioned in the current fiscal year and would have been apportioned in each of the previous ten fiscal years on the highest five categories of expenditures for the applicable year. This bill is incorporated into HB 1360.

Patron - Saxman

SB525 Uranium mining. Establishes the Virginia Uranium Mining Commission, as a legislative branch advisory commission to assess the risks and benefits of developing uranium resources in Virginia.

Patron - Wagner

SB787 Virginia Commission on Bioscience and Biotechnology. Establishes the Virginia Commission on Bioscience and Biotechnology within the legislative branch of state government for the purpose of studying and advancing the development and enhancement of the biosciences and biotechnology in the Commonwealth, and reviewing and implementing appropriate and efficacious recommendations of recent state and national research investigations in these disciplines, including the Governor's Commission on Biotechnology. The Commission is also charged, among other things, to review, continue, and expand the work of the Governor's Commission on Biotechnology, and to develop a strategic plan that will foster bioscience and biotechnology research in the Commonwealth and establish Virginia as a national and global leader in the field.

Patron - Herring

Carried Over

HB1238 Commonwealth Realignment Commission. Creates the Commonwealth Realignment Commission in the legislative branch of state government. The purpose of the Commission is to (i) review the operations of state agencies and state-funded programs with a view toward the reduction of nonessential programs and expenditures; (ii) examine and promote methods of providing a portion or all of select government-provided or government-produced programs and services through the private sector by a competitive contracting program; and (iii) advise the Governor and the General Assembly of the Commission's findings and recommendations. 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. The bill also eliminates the Commonwealth Competition Council and contains technical amendments. This bill was continued to the 2009 Regular Session of the General Assembly.

Patron - Saxman

SB555 Auditor of Public Accounts; auditing services. Provides that auditing services for city and county officials and executive branch agencies handling state funds may be performed by licensed independent certified public accountants in lieu of such services being performed by the Auditor of Public Accounts. Such officials and agencies would be authorized to contract with licensed independent certified public accountants for such auditing services. If the Auditor of Public Accounts performs such auditing services, he would be authorized to charge a fee that does not exceed the reasonable cost for similar services provided by a licensed independent certified public accountant. Any savings to the Commonwealth from any decrease in general fund appropriations to the Auditor of Public Accounts would be appropriated to executive branch agencies handling state funds to pay for auditing services.

Patron - Obenshain

General Provisions of Virginia Code

Passed

SB94 Official emblems and designations; covered bridge capital of the Commonwealth. Designates Patrick County as the Covered Bridge Capital of the Commonwealth.

Patron - Reynolds

SB699 Computation of time; when statute of limitations ends on Saturday, Sunday, or legal holiday. Clarifies that when the last day for bringing an action falls on a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly, then the action may be filed on the next day that is not a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly.

Patron - Petersen

Failed

HB565 State song. Designates "Carry Me Back to Old Virginia," by James A. Bland, as amended and adopted by the 2008 Session of the General Assembly, as the state song of the Commonwealth.

Patron - Crockett-Stark

HB988 State song. Designates "Virginia: Where Heaven Touches Earth," lyrics and music by Leslie Brooks and Ray Roberts to be the state song of the Commonwealth. The bill sets out the lyrics.

Patron - Nutter

HB1418 State song. Designates "Cradle of Liberty," by Thomas L. DeBusk, as the official state song.

Patron - Bowling

Carried Over

HB55 English as the official language of the Commonwealth. States that, except as provided by federal law, English is the official language of the Commonwealth, and no state agency or local government shall provide or otherwise assist in providing any documents, information, literature, or other written materials in any language other than English. The bill provides exceptions to this general rule for any documents, information, literature, or other written materials in a language other than English used in connection with foreign language instruction, administration of justice in the courts of the Commonwealth, law-enforcement purposes, or the provision of health care services. This bill was continued to the 2009 Regular Session of the General Assembly.

Patron - Lingamfelter

SB736 State song. Designates "Cradle of Liberty," by Thomas L. DeBusk, as the official state song.

Patron - Smith

Health

Passed

HB66 Cord Blood Bank Initiative. Removes the language stating that the Cord Blood Bank will be for the treatment of Virginians, in order to make more federal funding opportunities available.

Patron - Marshall, R.G.

HB191 EMS; temporary suspension of permits and certificates pending hearing. Authorizes the Health Commissioner to temporarily suspend any certificate or permit without notice, pending a hearing or informal fact-finding conference, where a substantial danger to public health or safety exists. The bill requires the Commissioner to seek an expedited hearing in such cases.

Patron - Orrock

HB192 Applications for variances or exceptions. Replaces term "volunteer rescue squad" with the term "agency, entity, or provider licensed or certified by the Office of Emergency Medical Services."

Patron - Orrock

HB193 Prohibition on construction of private wells. Adds to the restriction on building a private well on property adjacent to agricultural property a requirement that the agricultural property be three acres or larger.

Patron - Orrock

HB216 Organ donor consent; law-enforcement officers. Eliminates the provision that, after identification of the next of kin of a decedent, the person, institution or agent of such person or institution having custody of the dead body shall attempt to obtain consent for removal of the pituitary or other organs, glands, eyes or tissues for use in transplants or therapy.

Patron - Alexander

HB248 Emergency medical services; definitions. Defines "emergency medical services physician," "emergency medical services provider," "operational medical director," and "physician course director."

Patron - O'Bannon

HB278 Identification of body by next of kin. Provides that, upon the death of any person from trauma, injury, violence, poisoning, accident, suicide or homicide, or suddenly when in apparent good health, or when unattended by a physician, or in jail, prison, other correctional institution or in police custody, or who is a patient or resident of a state mental health or mental retardation facility, or suddenly as an apparent result of fire, or in any suspicious, unusual or unnatural manner, or the sudden death of any infant less than eighteen months of age whose death is suspected to be attributable to Sudden Infant Death Syndrome (SIDS), good faith efforts shall be made by such person or institution having custody of the dead body to identify and to notify the next of kin of the decedent. This bill also requires that notification shall include informing the person presumed to be the next of kin that he has a right to have identification of the decedent confirmed without due delay and without being held financially responsible for any procedures performed for the purpose of the identification. This bill also eliminates a provision requiring the person, institution or agent of such person or institution having custody of the dead body to attempt to obtain consent for removal of the pituitary or other organs, glands, eyes or tissues for use in transplants or therapy.

Patron - Watts

HB396 State Medical Facilities Plan; task force. Requires the Board of Health to appoint and convene a task force of no less than 15 persons, including representatives from the Department of Health and the Division of Certificate of Public Need, and representatives of regional health planning agencies, the health care provider community, academic medical community, experts in advanced medical technology, and health insurers to meet at least once every two years. This bill also requires the task force to complete a review of the State Medical Facilities Plan at least every four years to update or validate the plan.

Patron - Hamilton

HB398 Certificate of public need; relocation of nursing home beds. Exempts from the definition of "project" any relocation of up to 10 beds or 10% of beds, whichever is less, (i) from one existing facility to another existing facility at the same site in any two-year period or (ii) in any three year period, from one existing nursing home facility to any other existing nursing home facility owned by the same person that is located either within the same planning district, or within another planning district out of which, during that three-year period, at least 10 times that number of beds have been transferred and at least half of those beds have not been replaced.

Patron - Hamilton

HB479 Emergency Medical Services Plan; Stroke Triage Plan. Requires the Board of Health to develop and maintain as a component of the Emergency Medical Services Plan a statewide prehospital and interhospital Stroke Triage Plan designed to promote rapid access for stroke patients to appropriate, organized stroke care. The Plan shall include formal regional stroke triage plans, which shall be reviewed triennially. This bill is identical to SB 344.

Patron - Hamilton

HB502 Certificate of public need; fostering competition. Provides that, when determining whether a public need for a project involving proposed health services or facilities has been demonstrated, the State Health Commissioner shall consider the extent to which the proposed service or facility will increase citizen accessibility, demonstrate documented com-

munity support and introduce institutional competition into a health planning region.

Patron - Hamilton

HB603 Hospitals; disclosure of contractual arrangements with health insurance carriers. Requires the State Health Commissioner to negotiate and contract with a non-profit organization for an annual survey of carriers offering private group health insurance policies and that are subject to HEDIS reporting, to determine the reimbursement that is paid for a minimum of 25 most frequently reported health care services, and to make the survey reports public through a website operated by the contracting organization. This bill also requires carriers to report the average reimbursement paid for a specific service from all providers and provider types. This bill is identical to SB 396.

Patron - O'Bannon

HB604 Hospice facilities; licensure; emergency clause. Allows certain hospice facilities to continue operating pending the promulgation of final licensure regulations by the Board of Health.

Patron - O'Bannon

HB674 Four-year plan for aging services; report. Requires the Department for the Aging to develop and maintain a four-year plan for aging services. The bill requires the Department to consult with various state and local agencies and details a list of factors to be included in the plan for consideration in determining when additional funds may be needed for various programs and services.

Patron - Alexander

HB806 Reporting of infectious diseases; residential facilities. Adds persons in charge of residential or day programs, services, or facilities licensed by any agency of the Commonwealth to the list of nonphysicians who must report disease outbreaks. This bill is identical to SB 463.

Patron - Englin

HB819 Continuing care retirement communities; medical assistance. Allows nursing facilities in continuing care retirement communities in Planning District 8 to participate in the Medical Assistance Program so long as (i) the nursing facility is no longer operating under an open admissions period, (ii) any patients who qualify and receive medical assistance have been residents of the community for at least three years, (iii) not more than 10 percent of the facility receives benefits at any given time, and (iv) residents who qualify for and receive medical assistance have exhausted any refundable entrance fee paid on the resident's behalf as a result of expenditures for that resident's care. This bill also allows these facilities to be exempt from certificate of public need requirements as long as no resident receives federal or state public assistance funds during an open admissions period.

Patron - Albo

HB1003 Nursing workforce information; publication on website. Requires that data related to the Commonwealth's nursing workforce, which is currently collected by the Board of Nursing, shall be published, in aggregate form and in a format that is accessible to the public, on the Department of Health Professions website.

Patron - Bell

HB1040 Health records privacy; providing information after execution of search warrant, subpoena or court order. Clarifies that regardless of the manner by which health records relating to an individual are compelled to be disclosed pursuant to a subpoena, search warrant, or court order, nothing

prohibits any staff or employee of a health care entity from providing information about such individual to a law-enforcement officer in connection with such subpoena, search warrant, or court order.

Patron - Griffith

HB1089 Toxic substances; reporting. Removes the requirement that the Board of Health report to the General Assembly and the Governor on toxic substances biennially.

Patron - Sickles

HB1100 Informed consent for testing for human immunodeficiency virus. Provides that, prior to performing any test to determine infection with HIV, a medical care provider shall inform the patient that the test is planned, provide information about the test, and advise the patient that he has the right to decline the test. If a patient declines the test, the medical care provider shall note that fact in the patient's medical file. This bill incorporates HB 243.

Patron - Sickles

HB1166 Professional engineering of onsite treatment works. Authorizes the Board of Health, the Commissioner of Health, and the Department of Health to accept treatment works designs from individuals licensed as professional engineers. This bill provides that such designs shall (i) be compliant with standard engineering practice and performance requirements established by the Board and those horizontal setback requirements necessary to protect the public health and the environment, and (ii) reflect that degree of skill and care ordinarily exercised by licensed members of the engineering profession practicing at the time of performance. The bill also establishes the procedure for submission and review of designs.

Patron - Saxman

HB1213 HIV/Hepatitis testing; consent for minors. Makes the process for HIV and hepatitis testing when someone other than a school board member is exposed to the minor's bodily fluids consistent with the process for that of exposure of school board members. Requires consent from the minor's parents, and, if consent is refused, the bill requires such a person to petition the juvenile and domestic relations district court where the minor resides or resided, rather than the general district court, for an order requiring such testing. Recommendation of the Committee on District Courts. This bill is identical to SB 227.

Patron - Melvin

HB1265 Department of Health; payment for medical care services. Allows the Department of Health to charge an amount equal to the allowable charge of a private insurer for the services provided by the Department to an insured individual. If an insurance company denies a claim for medical care services provided by the Department, the patient portion of the bill shall not be greater than if the person did not have private health insurance. This bill is identical to SB 579.

Patron - Plum

HB1299 Revised Uniform Anatomical Gift Act. Specifies a procedure for resolving situations when, with regard to the measures necessary to ensure the medical suitability of an organ, there is a conflict between an advanced health care directive or similar declaration and the express or implied terms of an anatomical gift. The bill also repeals a section that was inadvertently not repealed when the prior act was repealed in 2007 and makes some clarifying changes. The 2007 General Assembly repealed the Uniform Anatomical Gift Act and enacted the Revised Uniform Anatomical Gift Act.

Patron - Frederick

PHB1420 Department of Health declared state radiation agency. Establishes the Virginia Department of Health as the state radiation control agency. This bill is identical to SB 514.

Patron - Howell, A.T.

PHB1471 Filing of death certificates. Clarifies who shall file death certificates.

Patron - Gilbert

PHB1498 Certificate of Public Need. Permits the Commissioner to issue a Request For Applications, and to accept applications for 120 new nursing home or nursing facility beds in Planning District 3. This bill also requires the Commissioner to consider, in issuing any certificate of public need for 120 beds, an applicant that proposes to establish a new nursing facility located within three miles of the boundary of the county seat or within the county seat of the county adjacent to the city or county in which is sited any facility in Planning District 3 determined by the Division of Certificate of Public Need to be licensed for 120 beds but that operated no Medicaid-certified beds in 2006.

Patron - Kilgore

PSB227 HIV/Hepatitis testing; consent for minors. Clarifies the procedure for obtaining consent for testing for HIV or hepatitis B or C viruses of a minor when the person exposed is a health care provider, law enforcement officer, or school board employee. This bill provides that where a blood sample is required from a minor for testing, and the minor refuses to provide the sample, consent for obtaining the sample shall be obtained from the parent, guardian, or person standing in loco parentis of the minor. This bill further provides that where the parent, guardian, or person standing in loco parentis of the minor withholds consent or is not reasonably available to consent, the person potentially exposed to HIV or hepatitis B or C viruses or the employer of such person may petition the juvenile and domestic relations district court in the county or city where the minor resides or resided or, in the case of a non-resident, the county or city where the health care provider, law enforcement agency, or school board has its principal office for an order requiring the minor to provide a sample, submit to testing, and disclose the results. This bill is identical to HB 1213.

Patron - McDougle

PSB344 Emergency Medical Services Plan; Stroke Triage Plan. Requires the Board of Health to develop and maintain as a component of the Emergency Medical Services Plan a statewide prehospital and interhospital Stroke Triage Plan designed to promote rapid access for stroke patients to appropriate, organized stroke care. The Plan shall include formal regional stroke triage plans, which shall be reviewed triennially. This bill is identical to HB 479.

Patron - Blevins

PSB396 Health care costs; estimates and average costs. Requires the Department of Health to negotiate and contract with a nonprofit organization for an annual survey of carriers, to determine the average costs for 25 common outpatient procedures and the average reimbursement paid for a specific service from all providers and provider types, and to make such information available to the public through a website operated by the nonprofit organization. This bill also requires the Health Commissioner to work together with the nonprofit organization to incorporate existing service quality data and guidance to the price information and to work to display price and quality information for episodes of care in a manner which

is consistent with generally accepted national guidelines. This bill is identical to HB 603.

Patron - Edwards

PSB463 Reporting of infectious diseases; residential facilities. Adds persons in charge of residential or day programs, services, or facilities licensed by any agency of the Commonwealth to the list of nonphysicians who must report disease outbreaks. This bill is identical to HB 806.

Patron - Whipple

PSB514 Department of Health declared state radiation agency. Establishes the Virginia Department of Health as the state radiation control agency. This bill is identical to HB 1420.

Patron - Miller, J.C.

PSB579 Department of Health; payment for medical care services. Allows the Department of Health to charge an amount equal to the allowable charge of a private insurer for the services provided by the Department to an insured individual. If an insurance company denies a claim for medical care services provided by the Department, the patient portion of the bill shall not be greater than if the person did not have private health insurance. This bill is identical to HB 1265.

Patron - Saslaw

Failed

FHB22 Methicillin-resistant staphylococcus aureus; required to be reported. Adds methicillin-resistant staphylococcus aureus (MRSA) to the list of diseases required to be reported to the Department of Health.

Patron - O'Bannon

FHB89 Immunizations; human papillomavirus. Removes requirement that girls receive the human papillomavirus vaccine.

Patron - Marshall, R.G.

FHB98 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.

Patron - Purkey

FHB130 Death certificates; local health departments. Requires that death certificates be made available, upon request, at any local health department in the Commonwealth, regardless of the place of death.

Patron - Lewis

FHB188 Human papillomavirus vaccine; effective date. Extends the effective date of the requirement for sixth grade girls to receive the human papillomavirus vaccine from October 1, 2008, to July 1, 2010.

Patron - Marshall, R.G.

FHB243 Informed consent for testing for human immunodeficiency virus. Removes the requirement for separate oral or written informed consent for testing for human immunodeficiency virus and adds the requirement that a medical care provider inform a patient that the test is planned, pro-

vide information about the test, and advise the patient that he has the right to decline the test. This bill has been incorporated into HB 1100.

Patron - O'Bannon

HB381 Exempting certain facilities from the requirement of a certificate of public need. Exempts certain existing facilities engaged in the early identification, diagnosis, and treatment of heart disease using noninvasive screening and outpatient coronary arteriography located in the City of Richmond from the requirement of obtaining a certificate of public need for the addition of a computer tomography (CT) scanner for cardiac imaging and diagnosis.

Patron - O'Bannon

HB404 Private well construction; exemptions. Exempts any tract of land consisting of less than five acres from the prohibition on constructing a private well within 50 feet of the property line with an adjacent property used for agricultural operation.

Patron - Oder

HB413 Medical assistance services; income disregard. Increases the amount disregarded from countable resources to an amount not in excess of \$5,000 for the individual and for his spouse when such resources have been set aside to meet burial expenses of the individual or his spouse.

Patron - Griffith

HB500 Virginia Smoke Free Air Act; smoking in public places; 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) private clubs, except when being used for functions attended by persons other than members and invited guests; (iii) hotel or motel rooms designated as smoking rooms that are offered for rent to the public; (iv) specialty tobacco stores; (v) tobacco manufacturers; and (vi) private and semiprivate rooms in nursing homes and long-term care facilities. The bill requires the posting of "No Smoking" signs inside and at the entrances of areas where smoking is prohibited. 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 - Hamilton

HB530 Freestanding birth centers; licensing. Requires freestanding birth centers to be licensed and regulated by the Department of Health.

Patron - Pogge

HB572 Virginia Smoke Free Air Act; smoking in public places; 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) private clubs, except when being used for functions attended by persons other than members and invited guests; (iii) hotel or

motel rooms designated as smoking rooms that are offered for rent to the public; (iv) specialty tobacco stores; (v) tobacco manufacturers; and (vi) private and semiprivate rooms in nursing homes and long-term care facilities. The bill requires the posting of "No Smoking" signs inside and at the entrances of areas where smoking is prohibited. 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.

HB593 VirginiaShare Health Insurance Program. Establishes the VirginiaShare Health Insurance Program, to provide health insurance premium assistance to allow eligible low-income working individuals to purchase health insurance coverage through a certified VaShare Health Insurance Policy. Also establishes the VirginiaShare Health Insurance Program Board to regulate the Program, to be administered by the Department of Medical Assistance Services. The program will pay one-third of the total monthly premium for eligible individuals, up to \$75, with the remaining amount to be paid by the individual's small employer and the individual. Eligible individuals must (i) be residents of Virginia; (ii) have an income that is at or below 200 percent of the federal poverty level; (iii) have not been insured or had the offer of insurance within six months prior to enrollment in the Program; (iv) be ineligible for medical assistance benefits pursuant to Title XIX of the Social Security Act, as amended, or benefits pursuant to Title XXI of the Social Security Act, as amended; (v) be employed by a qualified small employer; and (vi) work at least 30 hours per week for the qualified small employer.

Patron - Hamilton

HB821 Virginia Smoke Free Air Act; smoking in public places; 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) private clubs, except when being used for functions attended by persons other than members and invited guests; (iii) hotel or motel rooms designated as smoking rooms that are offered for rent to the public; (iv) specialty tobacco stores; (v) tobacco manufacturers; and (vi) private and semiprivate rooms in nursing homes and long-term care facilities. The bill requires the posting of "No Smoking" signs inside and at the entrances of areas where smoking is prohibited. 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

HB857 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 adult (i) who was the subject of an adult protective services investigation or (ii) whose death was due to abuse or neglect or acts that sug-