

(anti-spam statute) is unconstitutionally overbroad on its face because it prohibits the anonymous transmission of all unsolicited bulk emails, including those containing political, religious, or other speech protected by the First Amendment of the Constitution.

Patron - Loupassi

HB8 Renewal of concealed handgun permits. Allows a person who previously has been issued a Virginia concealed handgun permit to submit an application to renew the permit via the United States mail. This bill is identical to SB 3.

Patron - Carrico

HB166 Capital murder; fire marshals, deputy and assistant fire marshals; penalty. Adds fire marshals and deputy and assistant fire marshals with law-enforcement powers to the capital murder statute so that the death sentence can be imposed for their murder when such killing is for the purpose of interfering with the performance of their official duties.

Patron - Pogge

HB210 Extortion; definition of injury to property. Provides that for the purposes of the extortion statute "injury to property" includes the sale, distribution or release of personal identifying information listed in the identity theft statute, unless it is done with the intent to obtain money, property or a pecuniary benefit to which a person reasonably believes he is lawfully entitled.

Patron - Bulova

HB227 Sex offenses prohibiting entry onto school property. Provides that a sex offender who has received a court order allowing entry on school or child day center property must also obtain permission of the school board or of the owner of the private school or child day center for entry within all or part of the scope of the lifted ban and must do so in compliance with the terms and conditions of both the school or center and the court order. The bill also provides that the petition must be filed in circuit court; current law allows an adult who is prohibited from entering upon school or child day center property because he was convicted of a sexually violent offense to petition either the juvenile and domestic relations district or circuit court of the locality for permission to enter the property.

Patron - Watts

HB505 Concealed handguns; restaurants. Allows a person with a concealed handgun permit to carry a concealed handgun onto the premises of a restaurant or club and prohibits such person from consuming alcoholic beverages while on the premises. A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor. This bill is identical to SB 334.

Patron - Gilbert

HB637 Concealed handgun permit; fees. Waives the concealed handgun permit fee (maximum \$50) for certain designated boarding team members and boarding officers of the United States Coast Guard.

Patron - Armstrong

HB682 Gang-free zones; penalties. Expands current "gang-free school zones" to the broader "gang-free zones" and includes any publicly owned or operated community center or recreational center. Engaging in criminal street gang activity in a gang-free zone is a Class 5 or 6 felony and may include a two-year mandatory minimum sentence, depending upon other aggravators.

Patron - Miller, J.H.

HB688 Using transportation district trains without a valid ticket. Rewrites the code section that punishes unlawfully riding on a transportation district train. The bill punishes failure or refusal to pay the posted fare, or failure to properly validate a train ticket, as a \$100 civil penalty. The bill punishes use of a validated ticket outside of the zone of the ticketed ride as a \$100 civil penalty. The bill punishes use of a fraudulent or counterfeit ticket as a Class 2 misdemeanor. The bill limits the amount of recoverable costs to the same amount as the maximum fine. This bill is identical to SB 25.

Patron - Miller, J.H.

HB741 Use of profane, threatening, or indecent language over public airways or by computer or text. Provides that any person who uses obscene, vulgar, profane, lewd, lascivious, or indecent language, or makes any suggestion or proposal of an obscene nature, or threatens any illegal or immoral act with the intent to coerce, intimidate, or harass any person when any electronically transmitted message is received or transmitted by telephone is guilty of a Class 1 misdemeanor. Current law punishes such behavior when simply using a telephone or citizens band radio.

Patron - Cleaveland

HB769 Consecutive license suspensions for DUI. Provides that any suspension of driving privilege for driving while intoxicated shall run consecutively with any other court-ordered period of suspension for driving while intoxicated or for underage driving with a blood alcohol concentration of 0.02 percent or more. Currently, suspensions ordered for failure to submit to a blood or breath test run consecutively with the DUI suspension.

Patron - Cleaveland

HB869 Prohibition on wearing a mask; public emergency exception. Adds to the existing exemptions in the section making it a Class 6 felony for a person over the age of 16 to wear a mask in public or on private property without the owner's written consent an exception when the Governor has declared a disaster or state of emergency in response to a public health emergency and defines the mask appropriate for the emergency. This bill is identical to SB 532.

Patron - Cline

HB871 Concealed handgun permit applications; right to ore tenus hearing. Clarifies that anyone who is denied a concealed handgun permit has the same right to an ore tenus hearing as a person who has previously held a concealed handgun permit. This bill is identical to SB 533.

Patron - Cline

HB885 Possession of concealed weapons. Creates a new exemption to the general prohibition against carrying concealed weapons by allowing a person who may lawfully possess a firearm to carry a handgun in a private motor vehicle or boat if the handgun is locked in a container or compartment. This bill is identical to SB 408.

Patron - Athey

HB934 Capital murder; auxiliary law-enforcement officers; penalty. Adds auxiliary police officers and auxiliary deputy sheriffs to the capital murder statute so that the death sentence can be imposed for their murder. This bill is identical to SB 520.

Patron - Bell, Robert B.

HB941 Charitable gaming; regulations of the Charitable Gaming Board; electronic pull tabs. Clarifies that regulations of the Charitable Gaming Board defining elec-

tronic and mechanical equipment used in the conduct of charitable gaming shall not include (i) devices operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to rest or (ii) other similar devices that have flashing lights, illuminations, or bells, whistles, or other sounds solely intended to entice players to play.

Patron - Abbitt

HB942 Department of Agriculture and Consumer Services; charitable gaming; revocation of permits. Clarifies that the Department of Agriculture and Consumer Services may revoke, suspend, or deny a permit to conduct charitable gaming only after the proposed action by the Department has been reviewed and approved by the Charitable Gaming Board.

Patron - Abbitt

HB950 Charitable gaming; regulations of the Charitable Gaming Board; prohibited acts. Limits the number of bingo games per session to no more than 55; requires the Charitable Gaming Board to adopt regulations prescribing the condition by which nonmembers of an organization may participate in the conduct of bingo so long as the nonmembers are under the direct supervision of a bona fide member of the organization during the bingo game. The bill increases the number of Lucky 7 and other progressive bingo games from one to six per session; and eliminates winner-take-all games. The bill also requires that the Department of Agriculture and Consumer Services shall report to the chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology on or before December 1, 2010, concerning the Department's efforts to increase the number of Department-approved independent laboratory testers in order to expedite the Department's approval process for new charitable games. The bill is a recommendation of the Special Subcommittees of the House Committee on General Laws and the Senate Committee on General Laws and Technology.

Patron - Jones

HB1010 Illegal gambling; definitions; free spin devices. Amends the definition of "illegal gambling" to make it clear that the making, placing or receipt of any bet or wager of money or other thing of value shall include the purchase of a product, which purchase credits the purchaser with free points or other measurable units that may be risked by the purchaser for an opportunity to win additional points or other measurable units that are redeemable by the purchaser for money at the location where the product was purchased. The bill provides, however, that nothing in this new definition shall be construed or interpreted to prohibit the conduct of a lawful operation of any game, contest, lottery, scheme, or promotional offering which complies with certain requirements. The bill attempts to make machines commonly known as "free spin machines" illegal in Virginia.

Patron - Athey

HB1033 Human infant; independent and separate existence. Provides that for the purposes of homicide, the fact that the umbilical cord has not been cut or that the placenta remains attached shall not be considered in determining whether a human infant has achieved an independent and separate existence. This bill is identical to SB 602.

Patron - Byron

HB1092 Carrying concealed handguns; retired law-enforcement officers. States that a retired law-enforcement officer who receives proof of consultation and favorable

review to carry a concealed handgun without a concealed handgun permit is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun.

Patron - Crockett-Stark

HB1191 Issuance of concealed handgun permits; clerk of court. Allows a circuit court judge to authorize the clerk of court to issue concealed handgun permits in instances where the application is complete, the background check does not indicate that the applicant is disqualified, and, after consulting with the local sheriff or police department, there are no other questions or issues surrounding the application. The bill further provides that the court clerk is immune from suit arising from any acts or omissions relating to the issuance of concealed handgun permits without judicial review unless the clerk was grossly negligent or engaged in willful misconduct. This bill is not to be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2010.

Patron - Griffith

HB1256 Resignation of law-enforcement officers; carrying concealed weapon. Provides that certain law-enforcement officers who are eligible for retirement with at least 20 years of service and who resign from their position in good standing to accept a position covered by the Virginia Retirement System shall be eligible to carry a concealed handgun if the officer has received written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which the officer resigned.

Patron - Miller, P.J.

HB1382 Public disclosure of personal information; law-enforcement officers. Prohibits a state or local agency from publicly posting or displaying on the Internet the home address or personal telephone numbers of a law-enforcement officer if the officer has made a written demand that such information not be disclosed. The written demand must include a copy of a court order authorizing the state or locality to remove the information. The bill also clarifies that the publication of a person's primary residence address along with his name or photograph with the intent to coerce, intimidate, or harass is unlawful.

Patron - Bell, Robert B.

SB3 Renewal of concealed handgun permits. Allows a person who previously has been issued a Virginia concealed handgun permit to submit an application to renew the permit via the United States mail. This bill is identical to HB 8.

Patron - Smith

SB25 Using transportation district trains without a valid ticket. Rewrites the code section that punishes unlawfully riding on a transportation district train. The bill punishes failure or refusal to pay the posted fare, or failure to properly validate a train ticket, as a \$100 civil penalty. The bill punishes use of a validated ticket outside of the zone of the ticketed ride as a \$100 civil penalty. The bill punishes use of a fraudulent or counterfeit ticket as a Class 2 misdemeanor. The bill limits the amount of recoverable costs to the same amount as the maximum fine. This bill incorporates SB 584 and is identical to HB 688.

Patron - Puller

SB41 Restricted permit; driving to church. Adds driving to and from a place of religious worship one day per week at a specified time and place.

Patron - Stuart

SB89 Petition to restore right to possess, etc., firearm; notice to attorney for the Commonwealth. Provides that if a person files a petition to restore his right to possess or carry a firearm, a copy of the petition shall be served on the attorney for the Commonwealth who shall be entitled to respond and represent the interests of the Commonwealth. The court shall hold a hearing on the petition if requested by either the petitioner or the attorney for the Commonwealth.

Patron - Stuart

SB183 Malicious injury; search and rescue personnel. Adds search and rescue personnel who are members of an organization that has a memorandum of understanding with the Virginia Department of Emergency Management to the definition of search and rescue personnel so that the enhanced penalty will apply if they are the victims of malicious or unlawful wounding. Malicious wounding is a Class 3 felony (five to 20 years); the penalty for malicious wounding of search and rescue personnel is five to 30 years, with a mandatory minimum term of imprisonment of two years. Unlawful wounding of search and rescue personnel is a Class 6 felony (one to five years), with a mandatory minimum term of imprisonment of one year.

Patron - Wampler

SB334 Concealed handguns; restaurants. Allows a person with a concealed handgun permit to carry a concealed handgun onto the premises of a restaurant or club and prohibits such person from consuming alcoholic beverages while on the premises. A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor. This bill is identical to HB 505.

Patron - Hanger

SB408 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 vessel if the handgun is locked in a container or compartment. This bill is identical to HB 885.

Patron - Vogel

SB422 Drug Treatment Court Act; City of Bristol. Establishes a drug treatment court in the City of Bristol subject to the requirements and conditions established by the state Drug Treatment Court Advisory Committee, provided the court is funded within existing state and local appropriations.

Patron - Wampler

SB501 Concealed handgun permits; disqualifying convictions. Provides that a conviction from another state for driving while intoxicated or for drunkenness in public within the preceding three years disqualifies an individual from obtaining a concealed handgun permit.

Patron - Lucas

SB520 Capital murder; auxiliary police officers; penalty. Adds auxiliary police officers and auxiliary deputy sheriffs to the definition of law-enforcement officer in the capital murder statute so that the death sentence can be imposed for the murder of such an officer. This bill is identical to HB 934.

Patron - Norment

SB532 Prohibition on wearing a mask; public emergency exception. Adds to the existing exemptions in the section making it a Class 6 felony for a person over the age of 16 to wear a mask in public or on private property without the owner's written consent an exception when the Governor has declared a disaster or state of emergency in response to a public health emergency and defines the mask appropriate for the emergency. This bill is identical to HB 869.

Patron - McDougle

SB533 Concealed handgun permit applications; right to ore tenus hearing. Clarifies that anyone who is denied a concealed handgun permit has the same right to an ore tenus hearing as a person who has previously held a concealed handgun permit. This bill is identical to HB 871.

Patron - McDougle

SB589 Punishment and options for person convicted of nonpayment of child support. Provides that a person convicted of DUI or any offense for which a restricted license may be issued under restrictions set forth in subsection E of § 18.2-271.1 may be issued such a license for travel to and from appointments approved by the Division of Child Support Enforcement of the Department of Social Services as a requirement of participation in a court-ordered intensive case monitoring program for child support, for which the participant maintains written proof of the appointment, including written proof of the date and time of the appointment on his person. The bill also provides that the Department of Motor Vehicles shall not renew a driver's license or terminate a license suspension imposed for nonpayment of child support until it has received from the Department of Social Services a certification that a person ordered by a juvenile and domestic relations district court into an intensive case monitoring program for child support for noncustodial parents continues successful participation in the program or has completed the program. The bill also provides for the option of home/electronic incarceration of a person convicted of nonsupport.

Patron - Marsden

SB602 Human infant; independent and separate existence. Provides that for the purposes of homicide, the fact that the umbilical cord has not been cut or that the placenta remains attached shall not be considered in determining whether a human infant has achieved an independent and separate existence. This bill is identical to HB 1033.

Patron - Newman

Failed

HB23 Prohibited photographs of children. Provides that any person previously convicted of a "crime prohibiting proximity to children" who takes a photograph of a child of another at a prohibited location ((i) a primary, secondary, or high school, (ii) any place owned or operated by a locality that the person knows or should know is a playground, athletic field or facility, or gymnasium, (iii) any place the person knows or has reason to know is a child day program as defined in § 63.2-100, or (iv) a public park that is owned and operated by a county, city or town) or without the express permission of the parent or guardian of the child, when the child is the only individual or primary individual depicted in the photograph, is guilty of a Class 6 felony.

Patron - Johnson

HB24 Drug Treatment Court Act; City of Bristol. Establishes a drug treatment court in the City of Bristol subject to the requirements and conditions established by the state

Drug Treatment Court Advisory Committee, provided the court is funded within existing state and local appropriations.

Patron - Johnson

HB26 Application for concealed handgun permit; documentation and information provided by applicant. Clarifies that the clerk of court accepting a concealed handgun permit application shall not require the applicant to provide any documentation or information not required by § 18.2-308 or by the application form prescribed by the Department of State Police.

Patron - Wright

HB39 Bigamy; restitution. Provides that a person found guilty of bigamy may, upon conviction, be ordered by the court to make restitution to the other party of the bigamous marriage if (i) such other party believed in good faith that the husband or wife of the first marriage was dead or that the first marriage had been annulled or dissolved by a divorce or was without knowledge of the first marriage and (ii) such party did not, after receiving knowledge that the husband or wife of the first marriage was not dead or that the first marriage had not been annulled or dissolved by a divorce, live together as husband and wife with such person guilty of bigamy.

Patron - Orrock

HB49 Purchase of handguns; repeal one-gun-a-month limitation. Repeals the prohibition against purchasing more than one handgun in a 30-day period.

Patron - Lingamfelter

HB52 Failure to carry concealed handgun permit. Provides that failure to produce, upon demand of a law-enforcement officer, a concealed handgun permit and a government-issued photo identification while carrying a concealed handgun is punishable by a \$25 civil penalty. A court may waive this penalty if the person presents a valid concealed handgun permit and government-issued photo identification to the court. The bill also introduces an affirmative defense, of having a valid concealed handgun permit, to a charge of violating the concealed weapons statute.

Patron - Cole

HB53 Unlawful use of human tracking devices. Provides that it is unlawful for an insurer to require his insured as a condition of obtaining insurance or remaining insured, or for an employer to require his employee as a condition of employment, to have an identification/tracking device or mark implanted or permanently or semi-permanently incorporated into the body, skin, teeth, hair, or nails of such person to track, or to aid in tracking such person. Violations are subject to a \$500 civil penalty.

Patron - Cole

HB54 Handguns in courthouses. Allows a person who may lawfully possess a firearm to carry a handgun into a courthouse when the courthouse is being used for non-judicial activities.

Patron - Cole

HB69 Firearms, firearms accessories, and ammunition manufactured and retained in Virginia. Declares that firearms, firearm accessories, and ammunition that are manufactured commercially or privately in Virginia, and that remain within the borders of Virginia, shall not be subject to federal law or federal regulation, including registration, under the authority of the United States Congress to regulate interstate commerce. This bill incorporates HB 886.

Patron - Carrico

HB72 Possession of firearms on school property; penalties. Changes the penalty for possession of a firearm on school property from a Class 6 felony to a Class 1 misdemeanor, the same penalty that applies to the possession of other weapons on school property. However, if a person possesses a firearm on school property with the intent to use the firearm unlawfully or to threaten or endanger another person, or if a person actually uses the firearm in an unlawful manner or threatens or endangers another person, such person is guilty of a Class 6 felony. If a person unlawfully discharges a firearm upon school property, upon other property being used exclusively for school-sponsored functions or extracurricular activities, or upon a school bus, such person shall be sentenced to a mandatory minimum term of imprisonment of five years.

Patron - Carrico

HB79 Concealed handgun permits; access to applications and permittee information. Prohibits a clerk of court from providing public access to concealed handgun permit applications and information regarding identifiable permittees without the written consent of the applicant or permittee. The applications and information would be available to law-enforcement agencies, and the clerk of court would be authorized to release aggregate information that does not identify individual applicants or permittees.

Patron - Ware, R.L.

HB100 Assault and battery of a magistrate. Raises the penalty for assault and battery of a magistrate from a Class 1 misdemeanor to a Class 6 felony.

Patron - Loupassi

HB102 Deferred proceedings for petit larceny. Allows a court to defer and dismiss a first-offense petit larceny charge, provided the accused meets terms and conditions of probation, including payment of a loss-prevention fee of \$100 to \$500 to the owner of the property, in addition to any restitution ordered.

Patron - Loupassi

HB106 Carrying concealed handguns. Allows a person with a valid concealed handgun permit to carry a concealed handgun in a place of worship with permission of the leader of the religious meeting. The bill also eliminates the restriction against carrying a concealed handgun in a restaurant that serves alcohol.

Patron - Cole

HB113 Crimes; assault and battery of fire marshal. Provides for an offender who assaults a fire marshal because of his employment to be prosecuted for a Class 6 felony.

Patron - Dance

HB167 Criminal street gangs; predicate criminal act. Adds burglary and shooting into an occupied dwelling to the list of predicate criminal acts for which a person committing such act may be convicted under the criminal street gang act.

Patron - Pogge

HB170 Punishment for prostitution. Provides that any person convicted of prostitution, when it is alleged in the warrant, indictment, or information on which he is convicted, and admitted, or found by the jury or judge before whom he is tried, that he has been before convicted of prostitution, or of any substantially similar offense in any other jurisdiction, shall be confined in jail not less than 30 days; and for a third, or any subsequent conviction, is guilty of a Class 6 felony.

Patron - Pogge

HB171 Firearms in locked vehicles; immunity from liability. Provides that no person, property owner, tenant, employer, or business owner may prohibit a person who lawfully possesses a firearm from storing that firearm in a locked motor vehicle. The bill provides civil immunity for such persons, property owners, tenants, employers, or business owners. The provisions of the bill would not apply to (i) property on which a person is prohibited from possessing a firearm; (ii) vehicles on property (a) to which access is restricted or limited through the use of a gate; or (b) upon which a building occupied by a single employer and its affiliated entities is located and in which access to the building is restricted or limited by card access; (iii) vehicles owned or leased by an employer or business entity and used by an employee in the course of his employment; (iv) personal vehicles while such vehicles are being used for the transport of consumers of programs licensed by the Department of Behavioral Health and Developmental Services; or (v) vehicles on property controlled by an employer required to develop and implement a security plan under federal law or regulation.

Patron - Pogge

HB172 Offenses prohibiting proximity to children. Removes the language "when the offense occurred on or after July 1, 2000" from the language of the statute prohibiting proximity to children that specifically prohibits loitering within 100 feet of the premises of any place he knows or has reason to know is a primary, secondary or high school.

Patron - Pogge

HB180 Nexus between possession of marijuana and loss of driving privilege. Provides that the sanction of loss of driving privilege for simple possession of marijuana shall apply only when the person convicted or given deferred disposition possesses marijuana in a motor vehicle. Currently, a person loses his driving privilege for six months without respect to where the possession took place.

Patron - Morrissey

HB218 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.

Patron - McClellan

HB243 Accessories after the fact; capital murder; penalty. Increases from a Class 1 misdemeanor to a Class 6 felony the punishment for a person who is guilty of being an accessory after the fact in the case of capital murder.

Patron - Janis

HB244 Possession of contraband by a prisoner; penalty. Provides that any prisoner who willfully in any manner brings into the facility in which he is confined, or attempts to bring into the facility, any article of any nature whatsoever, without first securing the permission of the person in whose charge such prisoner is, and who may in his discretion grant or refuse permission is guilty of a Class 1 misdemeanor. Currently, the delivery of such an article by another to a prisoner is prohibited. The bill also raises the penalty for possession or use of certain contraband items by a prisoner in a correctional facility from a Class 6 to a Class 3 felony.

Patron - Janis

HB251 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. This bill was incorporated into HB 854.

Patron - Merricks

HB288 Punishment for stalking; penalty. Clarifies the number of instances of stalking behavior necessary for conviction of multiple offenses of stalking, and provides that a person may be convicted of stalking for a singular instance of stalking behavior when the behavior is accompanied by verbal threats of sexual assault, bodily injury, or death. The measure also creates a felony offense of stalking for engaging in stalking behavior after having been previously convicted of a family assault and battery within five years prior to the stalking behavior. The measure also resets the time period within which a person may be convicted of felony stalking to be based upon the period during which the offenses were committed, rather than the period during which the convictions were had.

Patron - Griffith

HB435 Identity fraud using identifying information of a minor; penalty. Provides that it is a Class 6 felony for any person, with the intent to defraud, to use identifying information of a minor over whom he exercises custodial authority to obtain money, credit, loans, goods or services.

Patron - Griffith

HB475 Possession of firearms on school property; concealed handgun permits. Allows a person who has a valid concealed handgun permit to carry a concealed handgun in a part of a school building not being used for school-related functions or extracurricular activities. The bill also allows persons with a valid concealed handgun permit to carry a concealed handgun while in a parking lot or traffic circle of a school, regardless of whether such person is in a vehicle. Current law only allows such a person to carry the concealed firearm in a parking lot or traffic circle while in a vehicle.

Patron - Carrico

HB489 Reorganizing the law related to concealed weapons and concealed handgun permits. Reorganizes existing § 18.2-308 of the Code of Virginia, relating to concealed weapons and concealed handgun permits, into a new Article 6.1 in Chapter 7 of Title 18.2 of the Code of Virginia. The reorganization does not make substantive changes to existing law, but instead seeks to clarify and make easier to use the existing laws regarding carrying concealed weapons and obtaining a concealed handgun permit in the Commonwealth.

Patron - Lingamfelter

HB490 Development of plan for the issuance of a lifetime concealed handgun permit. Directs the Department of State Police, in cooperation with the Secretary of Public Safety, to develop a plan to allow for the State Police to issue lifetime concealed handgun permits to Virginia residents. The Department and the Secretary shall submit the plan, and any recommended legislative changes to implement the plan, to the Chairmen of the House Committee on Militia, Police, and Public Safety and the Senate Committee for Courts of Justice by October 15, 2010.

Patron - Lingamfelter

HB502 Criminal law; 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.

Patron - Gilbert

HB522 Deferred disposition in criminal cases. Allows a court to defer and dismiss any criminal case other than Class 4 felonies or more severe felonies, violent felonies, crimes that require registration on the sex offender registry, certain felony sex crimes, manslaughter, and DUI. Deferred disposition would be available to a person even though he had previously availed himself of deferred disposition or had been previously convicted of a crime, except in the interests of justice.

Patron - Morrissey

HB571 Punishment for accessories after the fact. Provides that in every case involving (i) a criminal homicide other than involuntary manslaughter, (ii) a felony criminal sexual assault set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or (iii) a robbery, every accessory after the fact shall be guilty of a Class 6 felony. Currently, all accessories after the fact of a felony are guilty of a Class 1 misdemeanor.

Patron - Iaquinto

HB670 Electronic tracking devices in motor vehicles. Provides that any person who, with the intent to electronically track the location of a motor vehicle, knowingly installs or places an electronic tracking device, or causes an electronic tracking device to be installed or placed, in or on a motor vehicle without the consent of the owner or lessee, is guilty of a Class 4 misdemeanor. This provision does not apply to the original manufacturer of the motor vehicle, law-enforcement officers, judicial officers, probation and parole officers, bail bondsmen, and bail enforcement agents.

Patron - May

HB684 Concealed weapons; butterfly knives; penalty. Adds butterfly knives to the list of weapons that are prohibited from being carried concealed.

Patron - Miller, J.H.

HB701 Anti-prostitution community service program for first offenders. Requires the court to condition any suspended sentence for a first offense of soliciting a prostitute on participation in an anti-prostitution community service program if such a program has been established locally. The cost of the program is paid by the defendant.

Patron - Bulova

HB744 Bullying at school punishable as assault and battery. Provides that any person who engages in the bullying, harassment, and intimidation of a student on school property, on a school bus, or at a school-sponsored activity shall be subject to punishment for assault pursuant to § 18.2-57.

Patron - Cleaveland

HB775 Crimes; Serious bodily injury resulting from another driving while intoxicated. Eliminates the element of a permanent and significant physical impairment from the serious injury caused by the defendant for the defendant to be guilty of serious bodily injury while driving intoxicated.

Patron - Cleaveland

HB824 Melendez-Diaz notice to an accused proceeding pro se. Provides that notice of "Melendez-Diaz" 6th Amendment rights to be given to an accused who is proceeding pro se shall be given to the accused only after he has waived his right to counsel in a court of law.

Patron - Surovell

HB828 Grand larceny; threshold amount. Increases from \$200 to \$750 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. The same threshold is increased for certain property crimes.

Patron - Surovell

HB844 Hate crimes; homeless persons; penalty. Adds homeless persons to the categories of persons who may seek injunctive relief or file an action for damages for harassment, etc., based on their status. 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 - Hope

HB854 Castle doctrine. Encodes a version of the "castle doctrine," allowing the use of physical force, including deadly force, against an intruder in his dwelling who has committed an overt act against him, without civil liability. This bill incorporates HB 251.

Patron - Morefield

HB865 Assault and battery on a campus police officer. Adds campus police officers appointed pursuant to the provisions of Chapter 17 (§ 23-232 et seq.) of Title 23 to the list of officers who, when victims of assault and battery, subject the perpetrator to enhanced punishment, a Class 6 felony instead of a Class 1 misdemeanor.

Patron - Cline

HB868 Solicitation to become a gang member; penalty. Provides that any person who, by telephone or by any electronically transmitted communication producing a visual or electronic message, solicits, invites, recruits, encourages or otherwise causes or attempts to cause another to actively participate in or become a member of what he knows to be a criminal street gang is guilty of a Class 6 felony. Currently, such solicitation by any method of communication is a Class 1 misdemeanor.

Patron - Cline

HB886 Firearms, firearms accessories, and ammunition manufactured and retained in Virginia. Declares that firearms, firearms accessories, and ammunition made in Virginia and retained within the borders of Virginia are not subject to federal law or regulation under the authority of Congress to regulate interstate commerce. This bill was incorporated into HB 69.

Patron - Athey

HB902 Financial exploitation of the elderly and disabled. Provides that any person who is in a position of trust or confidence with an elderly or disabled adult and who by intimidation or deception knowingly takes control of, or otherwise uses, the elderly or disabled adult's property with the intent to permanently deprive that person of such property is guilty of financial exploitation. Financial exploitation is punished as a Class 1 misdemeanor if the value of the property expropriated is less than \$200 in a six-month period and a Class 6 felony if the value of the property expropriated is \$200 or more in a six-month period.

Patron - Bell, Robert B.

HB919 Offenses prohibiting proximity to children; children's museums; penalty. Provides that every adult who is convicted of an offense prohibiting proximity to children, when the offense occurred on or after July 1, 2010, shall as part of his sentence be forever prohibited from going, for the purpose of having any contact whatsoever with children who are not in his custody, within 100 feet of the premises of any children's museum. Virginia children's museums are named in the bill.

Patron - Bell, Robert B.

HB920 Computer Crimes Act; definition of computer and computer network. Amends the definition of "computer" by adding cellular phones and other wireless telecommunications devices to the definition. The bill also clarifies that wired or wireless networks fall within the definition of "computer network."

Patron - Bell, Robert B.

HB923 DUI ignition interlock limitations. Provides that a person who is convicted of DUI is required to have an ignition interlock on the first offense as a condition of a restricted license. Currently, the requirement for an interlock is only imposed upon a second offense or when the offender's blood alcohol content is above 0.15 percent. The bill has been incorporated into HB 1197.

Patron - Bell, Robert B.

HB924 What constitutes a DUI arrest. Provides that for the purposes of implied to consent to have blood or breath samples taken for suspicion of DUI, a person shall submit to a blood test when (i) he is in a medical facility receiving treatment or evaluation for injuries following a motor vehicle accident and (ii) a law-enforcement officer has probable cause, within three hours of the accident, to place him under arrest.

Patron - Bell, Robert B.

HB932 Identity theft revision. Provides that the distribution of information acquired through identity theft is a Class 4 felony. The bill also punishes the new crime of aggravated identity theft, when a person, through identity theft, with the intent to defraud, for his own use or the use of a third person, (i) obtains money, goods, or services through the use of identifying information of such other person; (ii) obtains, records, or accesses identifying information while impersonating a law-enforcement officer or an official of the government of the Commonwealth; or (iii) avoids summons, arrest, prosecution, or impedes a criminal investigation, as a Class 5 felony. The bill also punishes obtaining identification documents in such other person's name as a Class 1 misdemeanor, and retains Class 1 misdemeanor punishment for obtaining, recording, or accessing identifying information which is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person. The bill eliminates identity theft

provisions that fix punishment based on the number of records accessed or obtained, or the amount of money involved.

Patron - Bell, Robert B.

HB935 Assault and battery against family or household member; penalty. Makes it a Class 6 felony for an adult having a custodial relationship over a child under the age of 18 to knowingly allow the child to be present during the assault and battery of a family or household member.

Patron - Bell, Robert B.

HB936 Unlawful entry into a motor vehicle; penalties. Makes it a Class 1 misdemeanor for a person to enter or remain within a motor vehicle knowing that he does not have the permission of an owner, a lessee, or an authorized operator. A third or subsequent offense is a Class 5 felony. There are exceptions for law-enforcement officers, lien holders, and persons removing abandoned vehicles.

Patron - Bell, Robert B.

HB938 Penalty for possession or reproduction of child pornography by a minor. Provides that a minor who, upon the facts, could be found guilty of a first offense of possession or reproduction of child pornography, may have his case deferred and dismissed by the court, upon conditions including limitation of access to the Internet, computers, and electronic communication devices.

Patron - Janis

HB947 Restricted permit; unsatisfied judgments. Adds driving to and from the grocery store to the list of places a person can drive when issued a restricted permit for a DUI. Further provides that the Commissioner may issue a restricted permit to a person whose license has been suspended for unsatisfied judgments allowing him to drive to and from (i) place of employment, (ii) grocery store, (iii) health care services, and (iv) court appearances.

Patron - Landes

HB959 Check cashers; customer identification; penalty. Makes it unlawful for a person required to be registered as a check casher to fail to (i) make copies of the item cashed and a valid identification document of the customer or thumbprint for every transaction or (ii) retain such copies for one year. A violation is punishable as a Class 3 misdemeanor.

Patron - Ingram

HB986 Producing abortion or miscarriage; 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

HB989 Making, drawing, uttering, or delivering a bad check. Provides that any person making, drawing, uttering, or delivering any check, draft, or order in payment of rent pursuant to a lease agreement under Chapter 13 (Landlord and Tenant) or Chapter 13.2 (Virginia Residential Landlord and Tenant Act) of Title 55 with intent to defraud is guilty of a Class 1 misdemeanor if the amount is less than \$200, and a Class 6 felony if the amount is \$200 or more.

Patron - Nutter

HB993 Driving under the influence; persons under age 21. Provides that it is unlawful for any person under the age of 21 to operate any motor vehicle when the person's blood alcohol content is 0.02 percent or more. Currently such conduct is unlawful only if the person illegally consumed the alcohol.

Patron - Nutter

HB1004 Sex offenses prohibiting residing in proximity to children; penalty. Prohibits an adult who is convicted of an offense requiring registration where the victim was a minor from residing within 500 feet of the premises of a child day center, or a public, private, parochial, or Christian primary, secondary, or high school. A violation is a Class 6 felony; however, this section does not apply where the facility is established subsequent to the person's conviction.

Patron - Athey

HB1030 Charitable gaming; oversight by the Department of Agriculture and Consumer Services. Limits the oversight by the Department of Agriculture and Consumer Services over charitable gaming in Virginia to the (i) issuance and renewal of permits to conduct charitable gaming, (ii) registration of bingo managers and callers, and (iii) licensing of charitable gaming suppliers. The bill likewise limits the regulatory authority of the Charitable Gaming Board to the above three areas. The bill requires every organization that conducts charitable gaming to obtain a permit from the Department. The bill contains numerous technical amendments.

Patron - Pollard

HB1042 Informed consent includes ultrasound to determine gestation age. Requires that, as a component of informed consent to an abortion, to determine gestation age, every pregnant female shall undergo ultrasound imaging and be given an opportunity to view the ultrasound image of her fetus prior to the abortion.

Patron - Byron

HB1078 Charitable gaming; reports and audits; exceptions. Exempts volunteer fire departments and rescue squads from filing quarterly reports of their charitable gaming activity with the Department of Agriculture and Consumer Services. The bill also exempts these entities from having their annual reports audited by the Department of Agriculture and Consumer Services.

Patron - Lewis

HB1104 Delivery of newspaper after notice to stop delivery. Provides that the publisher of a newspaper that causes the newspaper to be delivered to the residence of another, after having been given notice to cease delivery, is subject to a civil penalty of \$25 for each offense.

Patron - Sickles

HB1110 Unauthorized account access; penalty. Creates a Class 1 misdemeanor for any person who accesses a password-protected database, file, or online account of another without authority and creates, deletes, or alters any data or information in the database, file, or online account. If a person commits the crime of unauthorized account access and causes damage to the property of another valued at \$1,000 or more the person is guilty of a Class 6 felony. The provisions of this crime shall not apply to (i) a law-enforcement officer, as defined in § 9.1-101, acting in the performance of his official duties or (ii) a parent or guardian of any child, unless that child has been judicially declared emancipated.

Patron - Ebbin

HB1114 Criminal impersonation; penalty. Creates a Class 1 misdemeanor for any person who knowingly and without authorization assumes the identity of another and commits an act that, if done by the person whose identity is assumed, would subject such person to civil or criminal liability. For purposes of this crime, a person "assumes the identity of another" when the offender creates a situation that would cause a reasonable person to believe the offender is in fact the individual whose identity is assumed. The provisions of this crime shall not apply to a law-enforcement officer, as defined in § 9.1-101, acting in the performance of his official duties.

Patron - Ebbin

HB1134 Decriminalization of possession of marijuana. Decriminalizes simple marijuana possession. The bill does not make marijuana possession legal but creates a civil penalty of \$500 for simple possession of marijuana, a penalty equal to the current criminal fine for simple marijuana possession. The bill also raises the quantities necessary for punishment of possession with intent to distribute so as not to punish amounts that may be possessed for personal use. The bill creates a rebuttable presumption that a person who grows no more than five marijuana plants grows marijuana for personal use and not for distribution, an offense punishable by the \$500 civil penalty. The civil penalties collected are payable to the Literary Fund. The bill removes the two-year mandatory sentence for distribution of less than one ounce of marijuana and the five-year mandatory minimum sentence for distribution of more than one ounce of marijuana. The bill requires forfeiture of the driver's license of any minor found to have committed the violation of possession of marijuana. The bill reduces the penalty for possession of marijuana by a prisoner from a Class 5 felony to a Class 6 felony, the same punishment as is currently imposed for possession of a firearm or a knife by a prisoner or for setting off an explosive device in a prison.

Patron - Morgan

HB1136 Scope of prescription for marijuana for medical purposes. Provides that no person shall be prosecuted for the possession of marijuana or tetrahydrocannabinol when that possession occurs pursuant to a valid prescription issued by a medical doctor in the course of his professional practice. The bill also provides that no medical doctor or pharmacist shall be prosecuted for dispensing or distributing marijuana or tetrahydrocannabinol for medical purposes when such action occurs in the course of his professional practice. Currently medical marijuana can only be prescribed for cancer and glaucoma.

Patron - Morgan

HB1142 Hate crimes; sexual orientation. Includes within the definition of hate crimes a category of acts committed against a person or his property because of that person's sexual orientation. Also included is (i) the right of a person who is subject to such act to bring a civil action for damages or injunctive relief and (ii) no liability for an internet provider for good faith restriction of access to material that the provider considers intended to incite hatred on the basis of sexual orientation.

Patron - Scott, J.M.

HB1146 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.

HB1151 Concealed weapons. Prohibits a person from carrying a concealed butterfly knife.

Patron - Iaquinto

HB1154 Penalty for certain crimes against adults 60 years of age or older. Increases criminal penalties when the victim of the offense is 60 years of age or older and the offender knows or reasonably should know the victim of the offense is 60 years of age or older, as follows: Any person who commits a grand larceny shall be punished by a term of imprisonment of not less than two nor more than 20 years. Any person who obtains money by false pretenses is guilty of a Class 3 felony. Any person who signs another's name to a writing is guilty of a Class 4 felony. Any person who commits an identity theft resulting in financial loss of greater than \$200 is guilty of a Class 5 felony. Any person who commits a second or subsequent offense pursuant to § 18.2-213.2 shall be sentenced to a term of imprisonment of two years, in addition to the punishment provided for such offense.

Patron - Tata

HB1197 DUI ignition interlock limitations. Provides that a person who is convicted of DUI is required to have an ignition interlock on the first offense as a condition of a restricted license. Currently, the requirement for an interlock is imposed only upon a second offense or when the offender's BAC is above 0.15 percent. This bill incorporates HB 923.

Patron - Iaquinto

HB1209 Crimes; registration of machine guns. Requires that the Superintendent of State Police be notified in writing of the change of address of the registrant or the change of the address of the permanent physical location of a machine gun.

Patron - Ward

HB1210 Carrying concealed handguns; judges. Allows a judge to carry a concealed handgun without a permit at all times. Currently, judges are authorized to carry a concealed handgun without a permit while in the discharge of their official duties.

Patron - Loupassi

HB1214 Possession of firearm on public school property; penalty. Prohibits a person from possessing an unloaded firearm that is in a closed container in or upon a motor vehicle located at a public elementary, middle, or high school or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle located at a public elementary, middle, or high school.

Patron - Kory

HB1234 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 - McClellan

HB1248 What constitutes prostitution. Expands the crime of prostitution, a Class 1 misdemeanor, to include the following for money or its equivalent: exposure of sexual or

genital parts to any person to whom such person is not legally married or propose that any other person expose his sexual or genital parts to such person; propose that any other person feel or fondle the sexual or genital parts of such person or propose that such person feel or fondle the sexual or genital parts of any other person; or entice, allure, persuade, or invite any other person to enter any vehicle, room, house, or other place, for any of those purposes, or to commit or offer to commit adultery or fornication.

Patron - Miller, P.J.

HB1296 Exception to obscenity law for colleges; limitations. Provides that no public institution of higher education shall permit its facilities or any public moneys to be used within the statutory exceptions to obscenity laws unless the board of visitors or other governing body of the institution has approved each use in writing.

Patron - Pogge

HB1366 Prohibition of entry onto school or day care property. Rewrites language in the Code section prohibiting entry onto school property and child day care center property by persons convicted of sexually violent offenses to make it abundantly clear that entry onto day care property is prohibited 24 hours a day.

Patron - Cline

SB7 Criminal law; 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.

Patron - Obenshain

SB54 Capital murder; fire and emergency personnel. Adds the following personnel to the capital murder statute so that the death sentence can be imposed for the murder of such a person in the performance of the person's official duties: fire marshals and assistant fire marshals with law-enforcement powers, firefighters, special forest wardens, emergency medical technicians, lifesaving and rescue squad members, arson investigators, volunteer firefighters and lifesaving or rescue squad members if the governing body has adopted a resolution acknowledging the volunteers as employees for the purposes of workers' compensation, and persons certified as emergency medical service providers.

Patron - Martin

SB79 Concealed handgun permit applications; fingerprints. Removes the option for a locality to require that an applicant for a concealed handgun permit submit fingerprints as part of the application.

Patron - Reynolds

SB125 Grand larceny; threshold amount. Increases from \$200 to \$210 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. The same threshold is increased for certain property crimes.

Patron - Petersen

FSB331 **Petition to restore right to possess, etc., firearm; notice to attorney for the Commonwealth.** Provides that if a person files a petition to restore his right to possess or carry a firearm, a copy of the petition shall be served on the attorney for the Commonwealth of the city or county in which the petition is filed. The attorney for the Commonwealth shall be made a party defendant to the proceeding and may file an objection or answer to the petition within 21 days after service.

Patron - Stuart

FSB397 **Misdemeanor fines.** Provides that the maximum fine for a misdemeanor is raised each July 1, starting July 1, 2011, by an amount approximately equal to the annual rate of inflation for the previous calendar year.

Patron - Wagner

FSB446 **Penalty for certain crimes against adults 60 years of age or older.** Increases criminal penalties when the victim of the offense is 60 years of age or older and the offender knows or reasonably should know the victim of the offense is 60 years of age or older, as follows: Any person who commits a grand larceny shall be punished by a term of imprisonment of not less than two nor more than 20 years. Any person who obtains money by false pretenses is guilty of a Class 3 felony. Any person who signs another's name to a writing is guilty of a Class 4 felony. Any person who commits an identity theft resulting in financial loss of greater than \$200 is guilty of a Class 5 felony. Any person who commits a second or subsequent offense pursuant to § 18.2-213.2 shall be sentenced to a term of imprisonment of two years, in addition to the punishment provided for such offense. This bill was incorporated into SB 556.

Patron - Quayle

FSB487 **Criminal street gangs; predicate crimes.** Adds certain breaking and entering offenses and grand larceny to the list of "predicate criminal acts" for determination of criminal street gang status. This bill was incorporated into SB 142.

Patron - Hurt

FSB495 **DUI; prior offenses.** Provides a definition of "substantially similar" for the purpose of determining when an out-of-state DUI conviction can be used to enhance punishment for a current Virginia DUI offense. Out-of-state laws that criminalize driving with a prohibited blood alcohol content of .08 percent or more by weight by volume or .08 grams or more per 210 liters of breath are deemed to be substantially similar offenses. In addition, a driving under the influence conviction in a state contiguous to the Commonwealth or in the District of Columbia is deemed to be substantially similar.

Patron - Hurt

FSB504 **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

FSB580 **School property; airsoft guns; penalty.** Provides that it is a Class 1 misdemeanor for a person under the age of 18 to possess on school property a weapon designed to expel a projectile at a speed of more than 250 feet per second by action of compressed air or gas, such as an airsoft gun. The

prohibition expires in five years and does not apply to weapons with orange-tips.

Patron - Marsden

FSB584 **Using transportation district trains without a valid ticket.** Rewrites the code section that punishes unlawfully riding on a transportation district train. The bill punishes failure or refusal to pay the posted fare, or failure to properly validate a train ticket, as a Class 4 misdemeanor. The bill punishes use of a validated ticket outside of the zone of the ticketed ride as a Class 4 misdemeanor. The bill punishes use of a fraudulent or counterfeit ticket as a Class 2 misdemeanor. The bill limits the amount of recoverable costs to the same amount as the maximum fine. This bill was incorporated into SB 25.

Patron - Marsden

FSB595 **Transfer of firearms; criminal records check; penalties.** Adds a definition of "firearms show vendor" and requires that a criminal background check be performed on the prospective transferee, if such transferee does not possess a concealed handgun permit, 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 - Lucas

Carried Over

CHB216 **Assault and battery against a family or household member; protective order; penalty.** Provides that a person who commits an assault and battery against a person who is protected by the provisions of a protective order is guilty of a Class 1 misdemeanor and for a third offense, a Class 6 felony.

Patron - McClellan

CHB280 **Use of fraud or artifice to accomplish vote on union organization.** Any person who (i) knowingly and intentionally fails to provide full and complete information regarding the consequences of a signature or a vote or an affirmation by another, or (ii) by fraud, material artifice, trickery, or deception, causes or assists in causing a vote to be taken by non-union employees on whether to organize a union, is guilty of a Class 1 misdemeanor.

Patron - Albo

CHB656 **Protective orders; GPS devices.** Authorizes a judicial officer to require that a protective order respondent be subject to GPS monitoring that notifies the person to be protected and law enforcement when the monitored person is in violation of the order. The cost of the monitoring is to be paid by the monitored person.

Patron - Armstrong

CHB685 **Solicitation, possession or production of child pornography by a minor.** Provides that a minor who, upon the facts, could be found guilty of a first offense of possession, production, publication or solicitation of child pornography, may have his case deferred and dismissed by the court. The offense is separate and distinct; if the acts or activities violating this law also violate another provision of law, a prosecution under this law shall not prohibit or bar any prosecution or proceeding under such other provision. The penalty for violation is a Class 3 misdemeanor.

Patron - Miller, J.H.

HB773 Analogous DUI laws of any other state or of the United States. Allows analogous state laws to be used as prior DUI convictions. A law shall be deemed analogous if it criminalizes the operation of a motor vehicle while the operator is impaired by or under the influence of intoxicants or the law criminalizes the operation of a motor vehicle while the operator has a blood alcohol concentration of 0.08 percent or more by weight by volume or 0.08 grams or more per liter of breath as its presumptive or per se level of intoxication.

Patron - Cleaveland

HB995 Transfer of certain firearms; required identification. Allows a prospective purchaser to present a current or retired military identification card or a concealed handgun permit in order to establish citizenship or lawful admission for permanent residence in order to purchase an assault firearm.

Patron - Nutter

HB1009 Plea of guilty on first-offense drug possession case; no appeal. Provides that any person who, upon a plea of guilty, is placed on probation pursuant to a deferral and dismissal arrangement in a first-offense drug possession case, who then violates a term or condition of his probation, and is thereafter adjudicated guilty, shall have no right of appeal and trial de novo on the original criminal charge.

Patron - Athey

HB1207 Computer trespass; penalty. Expands the crime of computer trespass to include the use of video and image capture software or hardware (screenshots) in addition to keystroke loggers. The provision does not apply to certain Internet, software, and hardware providers that provide network and data security services, technical assistance, or network management.

Patron - Albo

HB1343 Tracking of ephedrine and pseudoephedrine; pilot program. Requires the Board of Pharmacy, in conjunction with local law-enforcement officials, to establish a mandatory pilot program in the Counties of Page, Clarke, Frederick, Rockingham, Shenandoah, and Warren to implement an electronic recordkeeping system of the transactions involving the distribution of ephedrine and pseudoephedrine as required by state law. This bill is contingent upon funds being provided by a third party or agency, such that there will be no cost to participating pharmacies.

Patron - Gilbert

SB22 Assault and battery; fire marshals; penalty. Adds fire marshals and assistant fire marshals who have police powers to the definition of law-enforcement officer in the assault and battery criminal provision, 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.

Patron - Locke

SB142 Criminal street gangs; predicate criminal act. Adds burglary and shooting into an occupied dwelling to the list of predicate criminal acts for which a person committing such act may be convicted under the criminal street gang act. This bill incorporates SB 487.

Patron - Miller, J.C.

SB300 DUI offenses; passenger age 18 or younger; penalties. Creates a new offense of driving under the influence with a passenger who is 18 years of age or younger, which is a Class 1 misdemeanor for a first offense and a Class 6 felony for

a second offense with certain mandatory minimums. The bill also amends the DUI involuntary manslaughter statute to provide that the death of a person age 18 or younger is automatically aggravated manslaughter. If the conduct is already aggravated manslaughter and the victim is a person age 18 or younger, the minimum punishment is increased by one year. The bill also amends the DUI malicious wounding statute to increase the penalty from a Class 6 to a Class 5 felony if the victim is age 18 years or younger.

Patron - Miller, J.C.

SB320 Crimes; falsely summoning or giving false reports to law-enforcement officials; penalty. Increases from a Class 1 misdemeanor to a Class 6 felony falsely summoning or giving false reports to a law-enforcement official.

Patron - Ruff

SB530 Solicitation to become a gang member; penalty. Provides that any person who, by telephone or by any electronically transmitted communication producing a visual or electronic message, solicits, invites, recruits, encourages or otherwise causes or attempts to cause another to actively participate in or become a member of what he knows to be a criminal street gang is guilty of a Class 6 felony. Currently, such solicitation by any method of communication is a Class 1 misdemeanor.

Patron - McDougale

SB556 Crimes against incapacitated or elder adults; penalty. Provides that any person who commits an offense set forth in Chapter 4 (crimes against the person), Chapter 5 (crimes against property), or Chapter 6 (crimes involving fraud) of Title 18.2, knowing or having reason to know that the victim of the offense is an incapacitated or elder adult is guilty of a separate and distinct Class 1 misdemeanor if the underlying offense is a misdemeanor and a separate and distinct Class 6 felony if the underlying offense is a felony. The bill adds that if the offender is a person responsible for the care of the victim, punishment for a misdemeanor shall include a mandatory minimum term of confinement of 30 days, and punishment for a felony shall include a mandatory minimum term of confinement of six months. This bill incorporates SB 446.

Patron - Herring

SB588 Interference with transit operation or operator; penalty. Provides that any person who obstructs, hinders, or interferes with the operation or operator of a transit vehicle engaged in the performance of a public transportation service or a person engaged in his official duties as a conductor, station agent, or station attendant of a public transportation service is guilty of a Class 1 misdemeanor.

Patron - Marsden

SB599 Electronic tracking devices in motor vehicles. Provides that any person who, with the intent to electronically track the location of a motor vehicle, knowingly installs or places an electronic tracking device, or causes an electronic tracking device to be installed or placed, in or on a motor vehicle without the consent of the owner or lessee, is guilty of a Class 4 misdemeanor. This provision does not apply to the original manufacturer of the motor vehicle, law-enforcement officers, judicial officers, probation and parole officers, bail bondsmen, and bail enforcement agents.

Patron - Vogel

SB604 Crimes; assault and battery of ABC agent. Provides for an offender who assaults a special agent of the Department of Alcoholic Beverage Control because of his employment to be prosecuted for a Class 6 felony.

Patron - Locke

CSB631 Gang-free zones; penalties. Expands current "gang-free school zones" to the broader "gang-free zones" and includes any school bus stop or the property, including buildings and grounds, of any publicly owned or operated community center, park, library, or hospital. Engaging in criminal street gang activity in a gang-free zone is a Class 5 or 6 felony and may include a two-year mandatory minimum sentence, depending upon other aggravators.

Patron - Marsh

Criminal Procedure

Passed

PHB13 Availability of presentence reports to counsel for convicted person. Provides that counsel representing a person who has been convicted of a crime for which a presentence report was prepared by a probation officer may be provided a copy of the report, without a court order, when the convicted person is pursuing a post-conviction remedy.

Patron - Marshall, R.G.

PHB84 Foreign search warrants to be honored. Provides that a Virginia corporation or other entity that provides electronic communication services or remote computing services to the general public, when properly served with a warrant and affidavit in support of the warrant, issued by a judicial officer or court of another state with jurisdiction over the matter, to produce a record or other information pertaining to a subscriber to or customer of such service or the contents of electronic communications, or both, shall produce the record or other information as if that warrant had been issued by a Virginia court. This provision applies only to records relating to certain violent or sexual criminal offenses, computer fraud and identity theft.

Patron - Marshall, R.G.

PHB291 Appeal of bail decision. Specifies the court to which a bail decision, bond amount, or term of recognizance should be appealed. The proper court is determined based on where the initial determination was made and the court in which the charge is pending. The bill also streamlines the process by which an attorney for the Commonwealth makes a motion to increase bail. This bill is identical to SB 75.

Patron - Griffith

PHB311 Hospitalization of inmates in local correctional facilities. Repeals provisions dealing with determining (i) a defendant's competency to be sentenced after he has been convicted of a crime and (ii) whether an inmate who is in the custody of a local correctional facility needs to be involuntarily hospitalized for treatment of mental illness, and substantially incorporates these provisions into statutes dealing generally with determinations of a defendant's competency and the hospitalization of inmates in the custody of local correctional facilities. The bill sets forth the procedures that a court or a person having custody of an inmate must follow to determine whether treatment of mental illness is necessary. This bill is identical to SB 87.

Patron - O'Bannon

PHB314 DNA data bank. Makes technical changes providing that instead of blood, saliva and tissue samples, "samples of human biological evidence" shall be analyzed. The

bill also provides that results of analyses are to be provided to an accused or his attorney.

Patron - McClellan

PHB500 Admissibility of certificates of analysis at preliminary hearing; trial. Provides that at any preliminary hearing, certificates of analysis and reports prepared by lab analysts, etc., shall be admissible without the testimony of the person preparing such certificate or report. The bill also provides that when such an analyst appears in court on the day of trial to testify, the certificate of analysis shall be admissible. In addition the bill requires a defendant who demands the testimony of an analyst to pay \$50 in court costs for expenses related to the analyst's appearance if the defendant is convicted. This bill incorporates HB 456.

Patron - Gilbert

PHB568 Notice to Commonwealth of expert testimony in sentencing phase of capital murder trial. Provides that in any case in which a defendant charged with capital murder intends, in the event of conviction, to present testimony of an expert witness to support a claim in mitigation relating to the defendant's history, character or mental condition, he or his attorney shall give notice in writing to the attorney for the Commonwealth, at least 60 days (currently 21 days) before trial, of his intention to present such testimony.

Patron - Iaquinto

PHB585 Information entered into VCIN. Provides that within 72 hours following the receipt of a written statement issued by a parole officer authorizing the arrest of a person who has violated the provisions of his post-release supervision or probation, the person's name and other appropriate information required by the Department of State Police shall be entered into the information systems known as the Virginia Criminal Information Network (VCIN). The information will be deemed a warrant authorizing the arrest of the person anywhere in the Commonwealth.

Patron - Landes

PHB770 Arrest without warrant; DUI arrests. Provides that an arresting officer at a medical facility may "release the person [a DUI accused] from custody by executing a summons." The bill also provides that an officer may either arrest or summons a person for a Class 1 or 2 misdemeanor except as otherwise provided "for offenses listed in subsection D of § 19.2-81." The bill also specifically states that when a summons is not issued for a person accused of DUI or refusal who has been taken to a medical facility, the officer shall bring the person before a judicial officer for a bail hearing. The bill allows an arrest to be made for misdemeanor offenses of DUI or "drunk boating" to be made by any officer, whether or not the offense occurred in his presence and removes language from the law providing for transfer of custody from one officer to another in drunk boating incidents. The bill changes nomenclature in the statute setting forth procedures for an arrest without a warrant to "complaining officer" from "officer making the arrest." This bill incorporates HB 1254.

Patron - Cleaveland

PHB927 Immediate sanction probation. Allows the establishment of one immediate sanction probation program in the Commonwealth with a two-year sunset. The bill provides that as a condition of suspension of sentence pursuant to § 19.2-303, a defendant who was not convicted of a violent crime may be ordered to participate in an immediate sanction probation program. An offender arrested for a violation of the conditions of his probation would receive an expedited hearing before the court. An affidavit prepared by his probation and parole officer detailing the offense for which he was arrested

may be received into evidence without the officer's testimony. The immediate sanction hearing is not authorized for new criminal offenses or absconding for more than seven days. Such an offender would serve no more than 30 days in jail for a probation offense. The Virginia Criminal Sentencing Commission will evaluate the program.

Patron - Bell, Robert B.

HB946 Obtaining records from financial entities. Provides that electronic data and electronic communications are included in the information that certain financial entities must provide pursuant to a subpoena duces tecum.

Patron - Landes

HB979 Destruction of exhibits. Relieves the clerk of notifying a defendant of the destruction or donation of certain exhibits used at trial: drugs, weapons, or exhibits deemed contraband. The defendant's attorney still receives notice.

Patron - Anderson

HB1113 Forfeiture of vehicles used in pandering involving a minor or abduction. Requires that a vehicle knowingly used by the owner or another with the owner's knowledge during the commission of any felony abduction offense or pandering when the prostitute is a minor shall be seized by the arresting law-enforcement officer and forfeited to the Commonwealth.

Patron - Ebbin

HB1194 Bail terms set by court on a capias to be honored by magistrate. Provides that a magistrate who is to set the terms of bail of a person arrested and brought before him on a capias shall do so in accordance with the order of the court that issued the capias, if the court so orders. This bill is identical to SB 490.

Patron - Griffith

HB1195 Impanelment of multi-jurisdiction grand jury. Provides that the impaneling order shall designate the jurisdiction requested on the application as the jurisdiction where the multi-jurisdiction grand jury shall be convened and shall appoint a judge of the circuit court of that jurisdiction as the presiding judge. The requirement that a judge of the circuit court of the designated jurisdiction has to be appointed does not apply if all of the judges of that circuit have recused themselves.

Patron - Griffith

HB1204 Special conservators of the peace; authorized to use the Seal of the Commonwealth. Grants, upon a court order, special conservators of the peace to use the seal of the Commonwealth in a badge or other credential of office.

Patron - Lingamfelter

HB1216 Public defenders; supplemental compensation. Provides that supplemental compensation for public defenders provided by a locality shall go directly to the employees rather than going to the Indigent Defense Commission for distribution.

Patron - McClellan

HB1252 Electronic communication service providers; obtaining records. Authorizes the disclosure of the records of providers of electronic communication service or remote computing service if the court orders disclosure for an investigation of a missing child, senior adult or incapacitated person. Under current law the court may order disclosure only if the records are relevant and material to an ongoing criminal investigation.

Patron - Greason

HB1255 Bail bondsman to receive criminal history information. Provides that if a judicial officer sets a secured bond and the person engages the services of a licensed bail bondsman, the magistrate executing recognizance for the accused shall, upon request of the bondsman, provide the bondsman with a copy of the person's Virginia criminal history record, if readily available, to be used by the bondsman only to determine appropriate conditions to impose upon the accused upon his release. The bondsman may review the record on the premises only and must promptly return it to the magistrate. The bondsman will pay a \$15 fee which will be credited to the state treasury.

Patron - Iaquinto

SB72 Unexecuted warrants. Allows an attorney for the Commonwealth to move the court in which the warrant or summons would be returnable for the dismissal of any unexecuted warrant or summons issued by a magistrate. Dismissal would be without prejudice. This bill is a recommendation of the Virginia Criminal Justice Conference.

Patron - Reynolds

SB75 Appeal of bail decision. Specifies the court to which a bail decision, bond amount, or term of recognizance should be appealed. The proper court is determined based on where the initial determination was made and the court in which the charge is pending. The bill also streamlines the process by which an attorney for the Commonwealth makes a motion to increase bail. This bill is identical to HB 291.

Patron - Reynolds

SB87 Hospitalization of inmates in local correctional facilities. Repeals provisions dealing with determining (i) a defendant's competency to be sentenced after he has been convicted of a crime and (ii) whether an inmate who is in the custody of a local correctional facility needs to be involuntarily hospitalized for treatment of mental illness, and substantially incorporates these provisions into statutes dealing generally with determinations of a defendant's competency and the hospitalization of inmates in the custody of local correctional facilities. The bill sets forth the procedures that a court or a person having custody of an inmate must follow to determine whether treatment of mental illness is necessary. This bill is identical to HB 311.

Patron - Howell

SB88 Criminal Injuries Compensation Fund. Requires health care providers who provide services under the Criminal Injuries Compensation Fund to negotiate with the Virginia Worker's Compensation Commission, which administers the Fund, to establish agreements relating to rates for payment of claims. The rates will discharge the obligation to the provider in full except where the provider is an agency of the Commonwealth and the claimant receives a third party recovery in addition to the payment from the Fund.

Patron - Howell

SB106 Certificates of analysis and affidavits. Clarifies that provisions requiring notification of defendants by the Commonwealth must be followed only if the certificate or affidavit is to be used in lieu of testimony. The bill also specifies that the notice of defendant's right to object shall be provided simultaneously with the certificate or affidavit rather than attached to the certificate or affidavit. The bill provides that certain documents are considered to be certificates of analysis. The bill modifies legislation enacted during the August 2009 Special Session in response to the United States Supreme

Court decision in *Melendez-Diaz v. Massachusetts*, 557 U.S. ___ (June 25, 2009).

Patron - McDougle

SB153 Destruction of exhibits. Relieves the clerk of notifying a defendant of the destruction or donation of certain exhibits used at trial: drugs, weapons, or exhibits deemed contraband. The defendant's attorney still receives notice. Any exhibits which are forfeitable to the state are controlled by other provisions of the Code where innocent owners have an opportunity to retrieve their property.

Patron - Stuart

SB162 Capital case sentencing forms. Removes from the Code of Virginia the statutory sentencing forms used in capital cases.

Patron - Edwards

SB248 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 in circuit court for the appointment of experts to assist in the preparation of his defense. The presiding judge shall designate another judge in the judicial circuit who may hold an ex parte hearing on such a motion and may order the appointment of an expert. Prior to an ex parte proceeding, communication, or request, a particularized need for confidentiality must be demonstrated in an adversarial proceeding. A motion for an ex parte hearing shall be in writing and filed under seal and any ex parte hearing conducted shall be on the record and kept under seal as part of the record of the case. The court may unseal the record after the trial is concluded for good cause shown.

Patron - Watkins

SB385 Admissibility in evidence of non-existence of an official record. Provides that at a hearing or trial an affidavit signed by a government official who is competent to testify, deemed to have custody of an official record, or signed by his designee, stating that after a diligent search, no record or entry of such record is found to exist among the records in his custody, is admissible as evidence that his office has no such record or entry, provided that the procedures for admission of such an affidavit as set forth in the statute governing admission of affidavits indicating non-registration of a sex offender have been followed, mutatis mutandis.

Patron - Obenshain

SB387 Certificates of analysis in criminal cases. Amends legislation enacted during the August 2009 Special Session in response to the United States Supreme Court decision in *Melendez-Diaz v. Massachusetts*, 557 U.S. ___ (June 25, 2009) to state that if the Commonwealth intends to have testimony by two-way video conferencing that information must be provided to the defendant in the notice that the Commonwealth is otherwise required to provide and the defendant must specifically object or he waives his right to object. The bill sets out procedures for video testimony and also clarifies that provisions requiring a 28-day notification to the defendant must be followed only if the certificate or affidavit is to be used in lieu of testimony. This bill incorporates SB 149.

Patron - Obenshain

SB490 Bail terms set by court on a *capias* to be honored by magistrate. Provides that a magistrate who is to set the terms of bail of a person arrested and brought before him on a *capias* shall do so in accordance with the order of the court that issued the *capias*, if the court so orders. This bill is identical to HB 1194.

Patron - Hurt

SB492 Foreign search warrants to be honored. Provides that a Virginia corporation or other entity that provides electronic communication services or remote computing services to the general public, when properly served with a warrant and affidavit in support of the warrant, issued by a judicial officer or court of another state with jurisdiction over the matter, to produce a record or other information pertaining to a subscriber to or customer of such service or the contents of electronic communications, or both, shall produce the record or other information as if that warrant had been issued by a Virginia court provided the record, information or communications are related to the commission of a criminal offense that is substantially similar to (i) a violent felony as defined in § 17.1-805, (ii) an act of violence as defined in § 19.2-297.1, or (iii) any offense for which registration is required pursuant to § 9.1-902.

Patron - Hurt

SB493 Records concerning electronic communication service or remote computing service. Clarifies that any provider of electronic communication service or remote computing service, including a foreign corporation that provides electronic communication service or remote computing service, shall disclose a record or other information pertaining to a subscriber to or customer of such service, excluding the contents of electronic communications, to an investigative or law-enforcement officer pursuant to (1) a search warrant issued by a magistrate, general district court or a circuit court; (2) a court order for such disclosure issued as provided in this section; or (3) the consent of the subscriber or customer to such disclosure.

Patron - Hurt

SB494 Admissibility of records concerning electronic communication service or remote computing service. Provides that the provider of electronic communication service or remote computing service may verify the authenticity of the written reports or records that it discloses pursuant to a search warrant, court order, etc., excluding the contents of electronic communications, by providing an affidavit from the custodian of those written reports or records or from a person to whom said custodian reports certifying that they are true and complete and that they are prepared in the regular course of business. The bill also provides that when so authenticated, the written reports and records are admissible in evidence as a business records exception to the hearsay rule.

Patron - Hurt

Failed

HB68 Preliminary hearing; testimony reduced to writing. Allows the district court judge conducting the preliminary hearing to order witness testimony reduced to writing. Under current law only the judge of the court of record to which the case has been or may be certified can make such an order. This bill is a recommendation of the Committee on District Courts.

Patron - Toscano

HB182 Waiver of payment of interest on fines and costs; incarcerated defendant. Provides for the purging of interest on fines and costs for an incarcerated defendant when such fines and costs have accrued on cases other than the one for which the defendant is incarcerated. Current law provides for the interest waiver only for the case for which the defendant is incarcerated.

Patron - Morrissey

HB183 Expungement of criminal conviction record. Allows a person convicted of a criminal offense to have his conviction expunged after 10 years have passed following the conviction, upon a showing that his opportunities for employment, education, or professional licensure are prejudiced by the existence of the criminal record. Expungement would not be available for someone convicted of a violent felony, a DUI-related offense, an offense for which registration on the sex offender registry is required, or domestic violence.

Patron - Morrissey

HB184 Petition to vacate finding of guilt of convicted person. Provides that notwithstanding any rule of court or any other provision of law, any person convicted of a crime may, upon the discovery of previously unknown or unavailable evidence, petition jointly with the attorney for the Commonwealth in the district court or circuit court in which he was convicted to vacate the judgment of guilt. Upon such petition, the court shall conduct an evidentiary hearing and, upon clear and convincing proof of all of the allegations in the petition and upon finding that no rational trier of fact could have found proof of guilt beyond a reasonable doubt, vacate the judgment of guilt and order the person's record expunged. Or, if the petition fails to state a claim, or if the assertions of previously unknown or unavailable evidence, even if true, would fail to qualify for relief, the court may dismiss the petition summarily, without a hearing.

Patron - Morrissey

HB360 Authority of jail superintendent and jail officers to serve process. Provides that the superintendent and jail officers at regional jail facilities are invested with the powers and authority of a sheriff or sheriff's deputy for the purpose of service of civil and criminal process upon inmates within the jail or jail farm, provided the officers who do so have received the same training with regard to service of civil and criminal process as is given sheriffs and sheriff's deputies with like responsibility.

Patron - Ware, O.

HB456 Admissibility of certificates of analysis at preliminary hearing; at trial. Provides that at any preliminary hearing, certificates of analysis and reports prepared by lab analysts, etc., shall be admissible without the testimony of the person preparing such certificate or report. The bill also provides that when such an analyst appears in court on the day of trial to testify, the certificate of analysis shall be admissible (over procedural objection). This bill has been incorporated into HB 500.

Patron - Herring

HB636 Appeal of bail decision. Specifies the court to which a bail decision, bond amount, or term of recognizance should be appealed. The proper court is determined based on where the initial determination was made and the court in which the charge is pending. The bill also provides that the attorney for the Commonwealth may appeal any bail, bond or recognizance decision, consequently a decision made by a judicial officer (including a magistrate or clerk) will be appealable. Current law limits such appeals from a court decision only, and only upon objection in court by the attorney for the Commonwealth.

Patron - Armstrong

HB663 Servicemembers and veterans courts. Establishes the Servicemembers and Veterans Court Act. The bill allows the establishment of servicemembers and veterans courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of

intensive treatment and supervision of offenders who appear to suffer from mental illness, alcohol or drug abuse, posttraumatic stress disorder, or traumatic brain injury, any of which appear to be related to military service, including, without limitation, any readjustment to civilian life that is necessary after service in the armed services. A state military members and veterans court advisory committee is established and localities intending to establish servicemembers and veterans courts are required to establish advisory committees. The Supreme Court of Virginia is given administrative oversight for the implementation of the Act.

Patron - Gear

HB681 Discretion of law-enforcement officer to arrest or issue summons for a jailable offense. Gives a law-enforcement officer discretion to arrest or to issue a summons to a person in his custody for having committed a Class 1 or 2 misdemeanor. Currently, the officer must issue a summons unless the person refuses to cease his criminal activity, is a danger to himself or others, or indicates he will disregard a summons.

Patron - Miller, J.H.

HB691 Nolle prosequi entered in discretion of court. Provides that nolle prosequi shall be entered in the discretion of the court, upon motion of the Commonwealth. The bill removes the good cause requirement.

Patron - Miller, J.H.

HB728 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 unless he is determined by a court to be indigent.

Patron - Albo

HB793 Certain confessions inadmissible if not videotaped. Provides that no confession of a criminal defendant to the commission of any the following criminal offenses shall be admissible in a court of law unless the confession is recorded on videotape and is otherwise admissible: (i) forcible rape of an adult in violation of § 18.2-61; (ii) forcible sodomy of an adult in violation of § 18.2-67.1; (iii) forcible object sexual penetration of an adult in violation of § 18.2-67.2; (iv) robbery in violation of § 18.2-58 or carjacking in violation of § 18.2-58.1; or (v) felony kidnapping or abduction in violation of Article 3 (§ 18.2-47 et seq.) of Chapter 4 of Title 18.2.

Patron - Morrissey

HB809 Criminal Injuries Compensation Fund; dangerous and vicious dogs. Includes individuals who have suffered physical injury or death due to an attack by a dangerous or vicious dog as victims for the purpose of eligibility to receive awards from the Criminal Injuries Compensation Fund.

Patron - Watts

HB823 Expungement of police and court records in district court. Provides that if a person is charged with the commission of a misdemeanor criminal offense and is acquitted, or the charge is dismissed with prejudice, he may immediately, upon the acquittal or dismissal, orally request expungement of the police and court records relating to the charge. The person shall be assessed \$100 in costs. The court shall order the expungement, or deny it, on the same grounds as apply in a circuit court.

Patron - Surovell

HB829 Expert witnesses in criminal cases. Extends the application of two evidentiary statutes applicable in civil

cases (§§ 8.01-401.1 and 8.01-401.3) to criminal cases. Va. Code § 8.01-401.1 allows an expert witness to render an opinion or draw inferences from facts, circumstances or data made known to or perceived by such witness at or before the hearing or trial during which he is called upon to testify, provided that such facts, etc., are of a type normally relied upon by others in the particular field of expertise in forming opinions and drawing inferences, need not be admissible in evidence. The expert, upon cross-examination, may be required to disclose the underlying facts or data upon which his opinion is based. Va. Code § 8.01-401.1 also provides that statements contained in published treatises, periodicals or pamphlets on a subject of history, medicine or other science or art, established as a reliable authority by testimony or by stipulation shall not be excluded as hearsay to the extent called to the attention of an expert witness upon cross-examination or relied upon by the expert witness in direct examination. However, if admitted, the statements may be read into evidence but may not be received as exhibits and if the statements are to be introduced upon direct examination, copies of the statements shall be provided to opposing parties 30 days prior to trial unless otherwise ordered by the court. Va. Code § 8.01-401.3 allows a witness qualified as an expert by knowledge, skill, experience, training, or education to testify in regard to such knowledge, etc., if scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue. The bill also contains a second enactment clause that delays its effectiveness until rules adopted by the Supreme Court of Virginia providing for reciprocal pretrial discovery of all expert testimony consistent with required disclosures in civil cases become effective.

Patron - Surovell

HB839 Fines under local ordinances; Literary Fund. Provides that fines imposed under certain local ordinances dealing with traffic infractions are to be transmitted to the state treasury, and deposited in the Literary Fund, as is the case with fines imposed under state statutes.

Patron - Carr

HB878 Local community-based probation services. Allows local probation programs to supervise offenders referred from drug courts.

Patron - BaCote

HB1049 Mandatory self-identification. Provides that any person, when he is lawfully detained by a law-enforcement officer under circumstances that reasonably indicate that the person has committed, is committing, or is about to commit a crime, and is requested by the officer to identify himself, shall do so. Any such person who refuses to identify himself is guilty of a Class 1 misdemeanor.

Patron - Garrett

HB1087 Drug Recognition Experts. Provides that in any trial for a violation of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 (drug offenses) involving cocaine or heroin, any law-enforcement officer shall be permitted to testify as to the results of any field test approved as accurate and reliable by the Department of Forensic Science regarding whether or not any substance, the identity of which is at issue, is cocaine or heroin and provides that any law-enforcement officer who performs drug field tests shall be trained as a Drug Recognition Expert by the Department of Forensic Science.

Patron - Crockett-Stark

HB1253 Release of an accused on recognizance. Requires that an accused shall be released on his own recognizance by a judicial officer only upon completion of processing

of the accused as required under Title 19.2, including fingerprinting, and upon satisfaction of the terms of recognizance.

Patron - Iaquinto

HB1254 Transfer of custody of a DUI arrestee. Allows a law-enforcement officer to arrest someone for DUI, underage drinking and driving, or driving on a (DUI) suspended license if the offense is committed in his presence and then to transfer custody to another officer who may obtain the warrant based on statements of the arresting officer. Transfer of custody is currently allowed for "drunk boating" only. This bill has been incorporated into HB 770.

Patron - Iaquinto

HB1286 Restrictions on issuance of process of arrest by a magistrate. Provides that a magistrate may not issue an arrest warrant for a felony offense upon the basis of a complaint by a person other than a law-enforcement officer without prior authorization by the attorney for the Commonwealth or, if no attorney for the Commonwealth is available, without prior authorization by a law-enforcement agency having jurisdiction over the alleged offense. Current law requires only consultation with the attorney for the Commonwealth or, if he is unavailable, consultation with the law-enforcement agency.

Patron - Ward

HB1338 Interpreters for non-English-speaking persons; court costs. Provides that the costs of an interpreter for non-English speaking persons will be assessed as court costs if the defendant is found guilty. Under current law the court has discretion in assessing costs and may do so only under certain limited conditions.

Patron - Janis

HB1352 Delivery of marijuana field test results. Provides that notice of the right to a full chemical analysis following a marijuana field test may be given by the law-enforcement officer to the defendant or, if the defendant is a minor, to his parent or guardian. Current law only requires delivery to the defendant.

Patron - Cline

HB1355 Procedure in bifurcated trial. Clarifies that when a jury cannot agree on punishment in the punishment phase of a bifurcated trial, the court shall impanel a different jury to ascertain punishment unless the defendant, the attorney for the Commonwealth, and the court agree that the court shall fix punishment. The current statute is silent on impaneling a different jury.

Patron - Cline

HB1393 Appointment of counsel or waiver of right. Provides that if a criminal charge against an accused is a misdemeanor, the penalty for which may be incarceration, no penalty of incarceration shall be imposed by a court unless (i) the offense is punishable by mandatory minimum punishment or (ii) the prosecuting attorney affirmatively advises the court that incarceration is appropriate in such cases, or in the instant case. The bill also provides that, if the accused is not represented by counsel and the charge against him is a felony or a misdemeanor punishable by incarceration or for which a sentence of incarceration is deemed appropriate by the prosecuting attorney, the court shall ascertain whether or not the accused desires to waive his right to counsel.

Patron - Griffith

HB1394 Appointment of counsel; imposition of penalty of incarceration in certain misdemeanor cases. Provides that if a criminal charge against an accused is a misde-

meanor or in a class of misdemeanors the penalty for which may be incarceration, a penalty of incarceration may be imposed and an attorney appointed by a court in the case of indigence if the prosecuting attorney advises the court that he seeks incarceration in such class of cases, or in the instant case. The bill also provides that if the prosecuting attorney advises the court that he does not seek incarceration in such case or class of cases, the court may try the case without appointing counsel, and in such event no sentence of incarceration shall be imposed. The bill contains a sunset date of July 1, 2013.

Patron - Cleveland

SB70 Expungement of criminal conviction record. Allows a person convicted of certain criminal offenses to petition to have his conviction expunged after a five-year period has expired following the conviction, upon a showing that his opportunities for employment, education, or professional licensure are prejudiced by the existence of the criminal record. Expungement would not be available for someone convicted of a violent felony, a DUI-related offense, an offense for which registration on the sex offender registry is required, or domestic violence.

Patron - McEachin

SB78 Capital murder; jury sentencing. Provides for jury sentencing of a defendant who has entered a plea of guilty to capital murder. A defendant who enters a guilty plea may still be sentenced by the judge if all parties agree. This bill is a recommendation of the Virginia Criminal Justice Conference.

Patron - Reynolds

SB126 Waiver of payment of interest on fines and costs; incarcerated defendant. Provides for the purging of interest on fines and costs in criminal and traffic cases for an incarcerated defendant when such fines and costs have accrued on cases other than the one for which the defendant is incarcerated. Current law provides for the interest waiver only for the case for which the defendant is incarcerated.

Patron - Marsh

SB149 Certificates of analysis and affidavits. Amends legislation enacted during the August 2009 Special Session in response to the United States Supreme Court decision in *Melendez-Diaz v. Massachusetts*, 557 U.S. ___ (June 25, 2009) to state that provisions requiring a 28-day notification to the defendant must be followed only if the certificate or affidavit is to be used in lieu of testimony. The bill also states that the copies that must be filed with the clerk may be filed within two days after being provided to the defendant rather than on the same day. Testimony by two-way video conferencing is allowed with the consent of the defendant. The time limit for continuances is extended from not more than 180 days for a person who is not incarcerated and 90 days for a person who is incarcerated to nine months and five months respectively. This bill has been incorporated into SB 387.

Patron - Stuart

SB158 Mental health courts. Provides that any district court or circuit court may establish a mental health court, which is a separate court docket within the existing calendar of a district or circuit court offering judicial monitoring of the treatment and supervision of certain individuals with mental illness who are under the jurisdiction of the criminal court. Any such court shall be required to have (i) identification of eligible individuals; (ii) the provision of services by a willing local community services board or behavioral health authority serving the territorial jurisdiction of the court and which can provide, or contract for the provision of, appropriate treatment and services for the offender; (iii) court-established treatment and compliance terms of participation; and (iv) a process for

monitoring the adherence to court requirements. This bill incorporates SB 592.

Patron - Edwards

SB176 Preliminary hearing; testimony reduced to writing. Allows the district court judge conducting the preliminary hearing to order witness testimony reduced to writing. Under current law only the judge of the court of record to which the case has been or may be certified can make such an order. This bill is a recommendation of the Committee on District Courts.

Patron - McDougale

SB444 Destruction of live marijuana plants. Provides that where a seizure of more than 10 suspected live marijuana plants is made in connection with any drug prosecution or investigation, the appropriate law-enforcement agency may retain 10 of the seized plants and destroy the remainder by direction of the chief law-enforcement officer or his designee, without a court order, when (i) it is not reasonably possible to preserve all of the plants in place or to remove the plants to another location; (ii) random and representative samples of the plants to be destroyed are retained for evidentiary purposes; and (iii) photographs or video recordings are taken to record the total amount of the suspected marijuana plants seized.

Patron - Reynolds

SB462 Crime victims; immigration status. Provides that no law-enforcement officer or other agent of state or local government shall, when investigating a crime, inquire into the immigration status of any person who reports that he is the victim of the crime or the parent or guardian of a minor victim, or is a cooperating witness in the criminal investigation or 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 or 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.

Patron - Howell

SB488 Witnesses in criminal trial. Allows the attorney for the Commonwealth to designate, in felony cases, one investigative law-enforcement official who may remain in the courtroom, unless the court determines that his presence would impair the conduct of a fair trial.

Patron - Hurt

SB592 Veterans' mental health courts. Allows, in Hampton Roads, the establishment of veterans' mental health courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who are affected by mental illness, an alcohol or substance use disorder, post-traumatic stress disorder, or traumatic brain injury, any of which appear to be related to military service, including, without limitation, any readjustment to civilian life that is necessary after service in the armed services. A state veterans' mental health court advisory committee is established and localities intending to establish veterans' mental health courts are required to establish local advisory committees. The Supreme Court of Virginia is given administrative oversight for the implementation of the act. This bill was incorporated into SB 158.

Patron - Miller, J.C.

SB615 Conditions of sentence suspension, etc.; credits toward reducing length of probation. Requires the Department of Corrections to develop a supervision plan for

every offender placed on supervised probation and allows for credits to be applied toward reducing the offender's time on supervised probation by as much as one-half based on the achievement of goals established by the Department. The application of credits is to be determined by the chief probation and parole officer and does not require court action.

Patron - Howell

SB616 Department of Housing and Community Development; rental assistance pilot project. Requires the Department of Housing and Community Development to establish a three-year rental assistance pilot project and to report its findings and recommendations to the Governor and the Housing Commission. The provisions of the bill are conditional upon an appropriation of general funds.

Patron - Locke

SB617 Criminal procedure; sentencing revocation report worksheets. Requires sentencing revocation report worksheets in all probation revocation and sentence suspension revocation cases in which the defendant was under the direct supervision of the probation and parole district office.

Patron - Howell

SB643 Discretion of law-enforcement officer to arrest or issue summons for a jailable offense. Gives a law-enforcement officer discretion to arrest or to issue a summons to a person in his custody for having committed a Class 1 or 2 misdemeanor. Currently, the officer must issue a summons unless the person refuses to cease his criminal activity, is a danger to himself or others, or indicates he will disregard a summons.

Patron - Reynolds

SB679 Restorative justice programs. Establishes a restorative justice program for offenders and victims. Provisions address participation, court involvement, confidentiality, and immunity from civil liability.

Patron - Hanger

SB716 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 unless he is determined by a court to be indigent.

Patron - Petersen

SB724 Appeal of bail decision. Amends section allowing attorney for the Commonwealth to appeal a bail decision made by the court over the objection of the attorney for the Commonwealth to allow appeal of a decision made by a judicial officer (including a magistrate or clerk) even if the attorney for the Commonwealth did not object.

Patron - Reynolds

Carried Over

HB207 Conduct of police lineups. Establishes a uniform procedure to be used in all lineups by all law-enforcement agencies intended to ensure maximum accuracy of the procedure. The bill requires that the person who administers the lineup be a person who is not involved in the investigation of the criminal incident at issue and who does not know the identity of the suspect, that only one photograph or person is displayed to the eyewitness at a time, that all information about the suspect is kept from the eyewitness, that the lineup be recorded by videotape, audiotape or in writing by the adminis-

trator, and that the quality of the procedures used is subject to review in court by the finder of fact.

Patron - Alexander

HB307 Involuntary temporary detention order; hearing to be held no less than 24 and no more than 72 hours after execution. Provides that a hearing for involuntary commitment shall be held no less than 24 hours but no more than 72 hours after execution of a temporary detention order.

Patron - O'Bannon

HB864 Compensation of court-appointed counsel. Requires a separate detailed accounting for representation expenses for each criminal charge and requires the judge to review the allocation of fees among the charges when counsel represents an indigent defendant on multiple charges that are tried by the court as part of the same judicial proceeding.

Patron - Cline

SB85 Involuntary temporary detention order; hearing to be held no less than 24 and no more than 72 hours after execution. Provides that a hearing for involuntary commitment shall be held no less than 24 hours but no more than 72 hours after execution of a temporary detention order.

Patron - Howell

SB208 Family or household member; definition. Includes within the definition of a person's "family or household member" any individual who is currently or was formerly involved in a substantive, intimate dating relationship with the person; the existence of such a substantive relationship shall be determined based on (i) the length of the relationship, (ii) the nature of the relationship, and (iii) the frequency of interaction between the persons involved in the relationship. A casual relationship or ordinary fraternization in a business or social context does not constitute a dating relationship. Expanding the definition of "family or household member" implicates crimes for which a family or household member is a victim (e.g., assault and battery against a family member) and protective orders under which a person may be protected (e.g., protective orders in cases of family abuse).

Patron - Barker

SB688 Arrest without warrant; DUI arrests. Expands the DUI crimes for which an officer may arrest a person without a warrant. The bill removes the requirement that an arrest for DUI be made within three hours of an accident and allows an arrest to be made for misdemeanor offenses of DUI or "drunk boating" to be made by any officer, whether or not the offense occurred in his presence, and removes language from the law providing for transfer of custody from one officer to another in drunk boating incidents.

Patron - Reynolds

Domestic Relations

Passed

HB40 Criminal nonsupport. Clarifies that a parent who is not subject to prosecution for criminal nonsupport because his child receives aid under a federal or state program for aid to the permanently and totally disabled is subject to prosecution for desertion and nonsupport of a spouse and for any children who are not receiving such aid.

Patron - Orrock

HB66 Child and spousal support; vocational experts. Allows a court to appoint a vocational expert to conduct an evaluation of a party in cases involving child support, spousal support, and separate maintenance where the earning capacity, unemployment, or underemployment of a party is in controversy. The court may award costs or fees for the evaluation and the services of the expert at any time during the proceedings.

Patron - Toscano

HB377 Equitable distribution; monetary award; enforcement. Clarifies that a monetary award made in a divorce case may be enforceable in the same manner as any other money judgment.

Patron - Lewis

SB69 Surrogacy contracts. Provides that, upon expiration of three days following birth of any resulting child, a surrogate may relinquish her parental rights to the intended parents, if at least one intended parent is the genetic parent of the child, by signing a surrogate consent and report form naming the intended parents as the parents of the child. Under current law, the surrogate may relinquish such parental rights to the intended parents upon expiration of 25 days following birth of any resulting child. The bill also makes it a Class 1 misdemeanor to accept compensation for otherwise arranging or inducing intended parents and surrogates to enter into surrogacy contracts in this Commonwealth. Under current law, to otherwise arrange or induce intended parents and surrogates to enter into surrogacy contracts in this Commonwealth is a Class 1 misdemeanor.

Patron - McEachin

Failed

HB146 Child support; child attending college. Provides that child support may be ordered for a child attending an institution of higher learning until the child obtains an undergraduate degree or reaches the age of 23.

Patron - O'Bannon

HB165 Virginia Military Parents Equal Protection Act; stay of proceedings. Provides that any proceeding to modify the custodial or visitation rights of a parent or guardian who is a member of the military and who has been deployed in active military service shall be stayed in accordance with the provisions of the federal Servicemembers Civil Relief Act.

Patron - Pogge

HB821 Child custody; record of in camera interview. Expands the requirement that a court of record shall make a record of any in camera interview conducted with a child in a custody or visitation proceeding to include courts not of record.

Patron - Surovell

SB161 Divorce proceedings; service requirements and waiver of notice of further proceedings. Provides that, in divorce cases, when the defendant has been served with the complaint by personal or substituted service, and the defendant fails to answer, plead, or otherwise appear within 21 days of such service, the defendant shall be deemed to have waived notice of further proceedings in the case and no further service of process upon him shall be required.

Patron - Edwards

SB319 Child support; child attending college. Provides that child support may be ordered for a child attending an

institution of higher learning until the child obtains an undergraduate degree or reaches the age of 23.

Patron - Ruff

SB356 Child visitation. Provides that the court may order that a parent who has a documented history of alcohol abuse, as a condition of visitation, have an ignition interlock system installed on each vehicle that the parent drives with the child as a passenger.

Patron - Obenshain

SB526 Mandatory dispute resolution; custody, visitation, and child support. Provides that parties in cases involving custody, visitation, and child support must be referred to, and must attend, a dispute resolution orientation session.

Patron - Norment

Education

Passed

HB111 Accreditation of schools; delayed implementation of certain statutes and regulations, etc. Provides for the delayed implementation of statutes and regulations upon which the accreditation of schools in the Commonwealth is based that were not already in effect on June 30, 2008, with the exception of the graduation and completion rate index, until July 1, 2011, unless such statutes or regulations are also specifically required by federal code, federal regulation, or court action. This bill incorporates HB 575. This bill is identical to SB 352.

Patron - Lohr

HB196 Economics education and financial literacy requirement; repealed. Postpones implementation of any additional graduation requirements, including the economics education and financial literacy requirement, until July 1, 2011.

Patron - Ware, R.L.

HB208 Local school divisions; certain reporting requirements. Reduces certain reporting requirements of local schools. This is in response to the 2009 Appropriation Act, which required the Department of Education to review state laws and look for ways to reduce the administrative burden on local school divisions and the Department of Education. This bill incorporates HB 781.

Patron - Bulova

HB257 Board of Education; homebound instruction. Requires the Board of Education to amend its regulations establishing Standards for Accrediting Public Schools in Virginia as they relate to homebound instructional services to address whether homebound instruction may be made available to students based upon evidence submitted by any person licensed to diagnose and treat mental, emotional, or behavioral disorders by a health regulatory board within the Department of Health Professions. Current regulations provide that certification must be made by a licensed physician or licensed clinical psychologist.

Patron - McClellan

HB304 Standards of Learning; alternative assessments. Requires an annual justification, as part of the Individ-

ual Education Program, for every student who takes the Virginia Grade Level Alternative assessment instrument in grades three through eight. Such justification shall include evidence that the student meets participation criteria defined by the Department of Education.

Patron - O'Bannon

HB394 Standards of Quality; standard diploma. Ensures that the sequential elective requirement for the standard diploma be identified in the Academic and Career Plan as described in Board of Education regulations. This bill is identical to SB 629.

Patron - Lohr

HB491 Consumable materials; student fees. Ensures that language authorizing the assessment of fees to students for consumable materials must not be construed to authorize a school board to charge fees for instructional materials, textbooks, or other materials used by a school board employee that are not directly used by a public school student.

Patron - Lingamfelter

HB557 Opening of the school year. Provides that the requirement that the school calendar begin after Labor Day may be waived by the Board of Education, provided the school board certifies that it meets one of the good cause requirements in current law. This bill is identical to SB 253.

Patron - Tata

HB566 Standards of Quality; School Performance Report Card. Requires each local school board to include in its annual report to the Board of Education the number of Virginia workplace readiness skills assessments passed and the number of national occupational competency assessments passed. This number is in addition to the current related reporting requirements of the number of industry certifications obtained, state licensure examinations passed, and career and technical education completers who graduated. The bill requires each number to be reported as a separate category on the School Performance Report Card. This bill is identical to SB 630.

Patron - Tata

HB623 Substitute teachers. Provides that local school boards may employ temporarily employed teachers, with the approval of the Superintendent of Public Instruction on a case-by-case basis, for periods longer than 90 teaching days in a school year.

Patron - Orrock

HB669 Triennial census of school population; sales and use tax distribution. Eliminates the requirement that every three years a census of all school-age persons residing within each school division take place. Also eliminates all related requirements regarding appointment and compensation of persons taking census, agents, and census results. The bill also amends the procedure regarding sales and use tax distribution to localities so that distribution is based on an annual estimate of the school-age population of a school division done by the Weldon Cooper Center for Public Service at UVA. This bill also allows for up to \$115,000 to be given to the Weldon Cooper Center for Public Service to cover the cost of producing the estimate. This bill is identical to SB 413.

Patron - May

HB704 Loudoun County school board; staggered terms. Allows for staggered terms for the Loudoun County school board beginning with the November 2011 general election upon a majority vote of its members.

Patron - Greason

HB709 Public schools; purchase of electronic textbooks. Requires contracts and purchase orders with publishers of textbooks approved by the Board of Education for use in grades 6 - 12 to allow for the purchase of printed textbooks, printed textbooks with electronic files, or electronic textbooks separate and apart from printed versions of the same textbook. In addition, allows each school board to purchase an assortment of textbooks in any of the three forms listed above.

Patron - Peace

HB907 Reports of certain acts to school authorities. Provides that for any report from local law-enforcement authorities to the principal or his designee and the division superintendent regarding certain offenses committed by a juvenile student that would be an adult misdemeanor, local law-enforcement authorities and attorneys for the Commonwealth shall also be authorized to disclose information regarding terms of release from detention, court dates, and terms of any disposition orders entered by the court to the superintendent of such student's school division.

Patron - Bell, Robert B.

HB1172 Virginia Index of Performance incentive program. Codifies a current recognition program for schools and local school divisions that recognizes and rewards fully accredited schools and school divisions that make significant progress toward achieving advanced proficiency levels in reading, mathematics, science, and history and social science and on other indicators of school and student performance. Requires the Board of Education to include in its guidelines for the program performance objectives and measures that promote student achievement in science, technology, engineering, and mathematics. This bill is identical to SB 145.

Patron - Phillips

HB1199 Waiver of certain graduation requirements; pursuant to Board of Education criteria. Requires the Board of Education to provide for the waiver of certain graduation requirements to be granted only for good cause and to be considered on a case-by-case basis.

Patron - Iaquinto

HB1217 Firearm safety education program. Allows local school boards to offer firearm safety education programs in the elementary grades. To assist local school boards opting to provide such instruction, the Board of Education must establish a standardized program of firearm safety education for students in the elementary school grades to promote the protection and safety of children. The bill requires that the program objectives incorporate, among other principles of firearm safety, accident prevention and the rules of the National Rifle Association's Eddie Eagle Gunsafe Program or the program of the National Crime Prevention Council. Local school boards offering the program must comply with Board curriculum guidelines and integrate the instruction in appropriate subject areas, if feasible, to ensure that every elementary school student receives instruction in firearm safety education.

Patron - Lewis

HB1245 Surplus property of local school boards. Authorizes elected local school boards to donate obsolete personal property to a Virginia nonprofit charitable organization.

Patron - Kory

HB1388 Establishment of virtual school programs. Requires the Superintendent of Public Instruction to develop, and the Board of Education to approve, criteria for approving and monitoring multi-division providers of online courses and virtual school programs. The bill also allows local school

boards to enter into contracts with approved private or non-profit organizations to provide such courses and programs; such contracts shall be exempt from the Virginia Public Procurement Act. Any multi-division online provider operating prior to the adoption of approval criteria by the Board may continue operating until such criteria are adopted. This bill is identical to SB 738.

Patron - Bell, Richard P.

HB1389 College Partnership Laboratory Schools. Allows for the establishment of college partnership laboratory schools by any public institution of higher education that operates an approved teacher education program. Such schools shall be public schools established by a contract between the governing board of the school and the Board of Education. Teachers working in such schools shall be employees of the institution of higher education and shall either be licensed by the Board or eligible for such license. This bill is identical to SB 736.

Patron - Peace

HB1390 Public charter schools; review and reconsideration. Requires the public charter school applicant to submit its proposed charter application to the Board of Education for review, comment, and a pre-certification recommendation prior to the submission of such application to a local school board. The Board's review must include a recommendation as to whether the application shall be approved by the local school division. Also, provides for an opportunity for a public charter school applicant to petition for reconsideration of a decision by a local school board to deny an application. Prior to such petition for reconsideration, an applicant may seek technical assistance from the Superintendent of Public Instruction.

Patron - Lingamfelter

SB46 Special education program for children with disabilities; recovery of attorney fees. Authorizes a court to award reasonable attorney fees and costs (i) to a prevailing party, who is the parent of a child with a disability, in a civil action he is allowed to bring before the court because he is aggrieved by earlier findings and a decision resolving a dispute as to program placements, individualized education programs, tuition eligibility and other matters; (ii) to a prevailing party who is the Board of Education or a local school division against the attorney of a parent who files a complaint or a subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or (iii) to a prevailing party who is the Board of Education or a local school division against the attorney of a parent, or against the parent, if the parent's complaint or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cause of litigation.

Patron - Stuart

SB145 Virginia Index of Performance incentive program. Codifies a current recognition program for schools and local school divisions that recognizes and rewards fully accredited schools and school divisions that make significant progress toward achieving advanced proficiency levels in reading, mathematics, science, and history and social science and on other indicators of school and student performance. Requires the Board of Education to include in its guidelines for the program performance objectives and measures that promote student achievement in science, technology, engineering, and mathematics. This bill is identical to HB 1172.

Patron - Miller, J.C.

SB196 Notification of school nonattendance. Clarifies that, in addition to the attendance officer, school personnel, and volunteers, the school principal or his designee is responsible for notifying parents concerning students' nonattendance at school. This bill also provides that the school principal or his designee is also responsible for arranging the conference with parents and in developing the student's attendance plan.

Patron - Blevins

SB197 Public schools; records of pesticide application. Clarifies that each local school division, rather than each individual school, shall maintain records of any pesticide application on school grounds.

Patron - Blevins

SB253 Opening of the school year. Provides that the requirement that the school calendar begin after Labor Day may be waived by the Board of Education, provided the school board certifies that it meets one of the good cause requirements in current law. This bill is identical to HB 557.

Patron - Reynolds

SB269 Driver education programs; fuel efficient driving practices. Requires the Board of Education to include fuel-efficient driving practices as part of the driver education curriculum.

Patron - Whipple

SB299 Virginia Council on the Interstate Compact on Educational Opportunity for Military Children; military family education liaison. Requires the Department of Education to employ a military family education liaison to provide staff support for the Virginia Council on the Interstate Compact on Educational Opportunity for Military Children and to assist military families and the state in facilitating the implementation of the Interstate Compact.

Patron - Miller, J.C.

SB333 Virginia School for the Deaf and the Blind; eligibility. Allows children from birth through age 21 to be eligible for the services of the Virginia School for the Deaf and the Blind. Currently, children from ages 2 to 21 are eligible. Any additional fiscal impact shall be funded from existing appropriations to the Virginia School for the Deaf and the Blind.

Patron - Hanger

SB352 Accreditation of schools; delayed implementation of certain statutes and regulations, etc. Provides for the delayed implementation of statutes and regulations upon which the accreditation of schools in the Commonwealth is based that were not already in effect on June 30, 2008, with the exception of the implementation of the graduation and completion rate index, until July 1, 2011, unless such statutes or regulations are also specifically required by federal code, federal regulation, or court action. This bill is identical to HB 111.

Patron - Obenshain

SB354 Limited English proficient students; assessment. Provides that local school divisions may administer a locally developed or selected limited English proficiency assessment mandated for students pursuant to the federal No Child Left Behind Act, so long as such assessment has been approved by the Board of Education.

Patron - Obenshain

SB361 Religious holidays; attendance records. Requires local school boards to develop policies ensuring that any student's absence because of the observance of a religious

holiday be recorded as excused on the student's attendance record and that a student not be deprived of any award or of eligibility or opportunity to compete for any award or of the right to take an alternate test or examination, for any which he missed because of such absence.

Patron - Barker

SB413 Triennial census of school population; sales and use tax distribution. Eliminates the requirement that every three years a census of all school-age persons residing within each school division take place. Also eliminates all related requirements regarding appointment and compensation of persons taking census, agents, and census results. The bill also amends the procedure regarding sales and use tax distribution to localities so that distribution is based on an annual estimate of the school age population done by the Weldon Cooper Center for Public Service. This bill incorporates SB 557. This bill is identical to HB 669.

Patron - Vogel

SB414 Competitive foods in public schools; report. Requires the Board of Education, in cooperation with the Department of Health, to promulgate and periodically update regulations setting nutritional guidelines for all competitive foods sold to students during regular school hours. The bill also requires (i) the Board to adopt either the Alliance for a Healthier Generation's Competitive Foods Guidelines or the Institute of Medicine's Recommended Standards for Competitive Foods in Schools as the initial statewide standard for competitive foods, and (ii) the Board to report to the General Assembly on the final regulations by December 1, 2011. This bill incorporates SB 210.

Patron - Vogel

SB538 Training centers; physician coverage. Requires the Department of Behavioral Health and Developmental Services to require the presence of a licensed physician at all times in any state training center.

Patron - Newman

SB629 Standards of Quality; standard diploma. Ensures that the sequential elective requirement for the standard diploma be identified in the Academic and Career Plan as described in Board of Education regulations. This bill is identical to HB 394.

Patron - Wagner

SB630 Standards of Quality; School Performance Report Card. Requires each local school board to include in its annual report to the Board of Education the number of Virginia workplace readiness skills assessments passed and the number of national occupational competency assessments passed. This number is in addition to the current related reporting requirements of the number of industry certifications obtained, state licensure examinations passed, and career and technical education completers who graduated. The bill requires each number to be reported as a separate category on the School Performance Report Card. This bill is identical to HB 566.

Patron - Wagner

SB652 Public schools; policies in concussions. Requires the Board of Education to develop and distribute to local school divisions by July 1, 2011, guidelines for policies dealing with concussions in student-athletes and requires each local school division to develop policies and procedures regarding the identification and handling of suspected concussions in student-athletes.

Patron - Northam

SB673 School board salaries; Amherst County. Reduces Amherst County school board salary from \$2,400 to \$2,200.

Patron - Newman

SB715 Teacher training; civics education. Requires the Board of Education to promulgate regulations to require (i) all education preparation programs for teachers in history and social sciences, elementary education prek-6, and middle education 6-8 to include local government and civics instruction specific to Virginia and (ii) any teacher seeking renewal of a license with an endorsement in history and social sciences, elementary education prek-6, or middle education 6-8 to undertake study of the structures, function, and powers of state and local government of Virginia and the importance of citizen participation in the political process in state and local government of Virginia.

Patron - Petersen

SB736 College Partnership Laboratory Schools. Allows for the establishment of college partnership laboratory schools by any public institution of higher education that operates an approved teacher education program. Such schools shall be public schools established by a contract between the governing board of the school and the Board of Education. Teachers working in such schools shall be employees of the institution of higher education and shall either be licensed by the Board or eligible for such license. This bill is identical to HB 1389.

Patron - Newman

SB737 Public charter schools; review and reconsideration. Requires the public charter school applicant to submit its proposed charter application to the Board of Education for review, comment, and a determination as to whether the application meets approval criteria developed by the Board, prior to submission to the local school board. Also, provides for an opportunity for a public charter school applicant to petition for reconsideration of a decision by a local school board to deny an application. Prior to such petition for reconsideration, an applicant may seek technical assistance from the Superintendent of Public Instruction.

Patron - Newman

SB738 Establishment of virtual school programs. Requires the Superintendent of Public Instruction to develop, and the Board of Education to approve, criteria for approving and monitoring multi-division providers of online courses and virtual school programs. The bill also allows local school boards to enter into contracts with approved private or non-profit organizations to provide such courses and programs; such contracts shall be exempt from the Virginia Public Procurement Act. Any multi-division online provider operating prior to the adoption of approval criteria by the Board may continue operating until such criteria are adopted. This bill is identical to HB 1388.

Patron - Newman

SJ85 Encouraging physical activity in public schools. Encourages the local school divisions to promote daily physical activity and reduce childhood obesity.

Patron - Petersen

Failed

HB70 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 a student who is receiving home instruction and who is eligible for free tuition in a public school in Virginia. This bill was incorporated into HB 926.

Patron - Carrico

HB76 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 a report to the Board with any recommendations he deems appropriate concerning how these school divisions can increase their instructional spending. 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. This bill incorporates HB 96 and HB 898.

Patron - Bell, Richard P.

HB96 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. This bill has been incorporated into HB 76.

Patron - Loupassi

HB130 Local composite index. Provides that the local composite index must be fixed at 0.6000 for any school division in which the average daily membership was fewer than 2,000 students during the preceding school year and in which the Free and Reduced Lunch participation exceeded 45 percent of the students. This bill provides that the provision will become effective on July 1, 2011.

Patron - Pollard

HB154 Standards of Quality; Standard 3. Ensures that the score of any re-take Standards of Learning assessment will be included with the initial administration scores and the relevant accreditation rating for the year the initial administration took place.

Patron - Dance

HB225 Standards of Quality; apportionment of state and local share. Directs the General Assembly, in apportioning the state and local share of the costs of meeting the Standards of Quality, beginning July 1, 2010, to implement a formula that determines each locality's ability to pay based on the ratios of (i) the reimbursement payment made to the local-

ity for providing tangible personal property tax relief to the reimbursement payments made statewide for providing tangible personal property tax relief; (ii) the total value of real estate in the locality adjusted by the index used for the pay differential for state employees residing in that locality to the statewide value of real estate per person; (iii) the median value of residential real estate in the locality adjusted by the index used for the pay differential for state employees residing in that locality to the statewide median value of residential real estate; (iv) sales subject to the state sales tax in the locality to the statewide sales subject to the state sales tax; (v) revenue collected from the local personal property tax to the revenue collected statewide from the local personal property tax; and (vi) revenue collected from local lodging, local cigarette, and local meals taxes to the revenue collected statewide from these local lodging, cigarette, and meals taxes, as provided in the appropriation act. To determine each locality's composite index of ability to pay, (i) the sum of the ratios calculated on the basis of average daily membership for each locality shall be divided by the sum of the average daily membership ratios for all localities; (ii) the sum of the ratios calculated on a per capita basis for each locality shall be divided by the sum of the per capita ratios for all localities; and (iii) the locality's ratio calculated on the basis of average daily membership shall be multiplied by 0.66 and the locality's ratio calculated on a per capita basis shall be multiplied by 0.33. The sum of the two adjusted ratios in clause (ii) shall be the local composite index of ability to pay.

Patron - Watts

HB238 Students with Disabilities Tuition Assistance Grant Program. Creates the Students with Disabilities Tuition Assistance Grant Program to provide tuition assistance for attendance at an eligible private school for any K-12 student as defined by the Board of Education in its Regulations Governing Special Education Programs for Children with Disabilities in Virginia who is diagnosed with an autism spectrum disorder. "Autism spectrum disorder" means any pervasive developmental disorder, including (i) autistic disorder, (ii) Asperger's Syndrome, (iii) Rett syndrome, (iv) childhood disintegrative disorder, or (v) Pervasive Developmental Disorder - Not Otherwise Specified, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association. The amount of the grant shall be limited to \$36,000 per year.

Patron - Janis

HB249 Opening of the 2010-2011 school year in Planning Districts 5 and 12. Authorizes the school boards in Planning Districts 5 and 12, which includes Alleghany County, Botetourt County, Craig County, Roanoke County, City of Covington, City of Roanoke, City of Salem, Pittsylvania County, Martinsville City, Henry County, Franklin County, Patrick County, and Danville City, to set the opening of the 2010 - 2011 school year so that the first day students are required to attend school shall be one week prior to Labor Day.

Patron - Merricks

HB266 Commonwealth Teachers Program; established. Provides for the establishment of the Commonwealth Teachers Program to be administered by the Board of Education. Qualified teachers, as determined by Board of Education criteria, accepted into the Program must agree to be assigned to a school that did not achieve full accreditation for the previous year. Such teachers would receive an additional six months of creditable service in the Virginia Retirement System for every year they teach in the Program.

Patron - Englin

HB331 Public charter schools; approval of applications. Allows the Board of Education to submit recommendations to local school boards as to the approval or disapproval of charter school applications, and requires local school boards to provide, in writing, their reasons for denying an application or revoking or failing to renew a charter school agreement.

Patron - Marshall, R.G.

HB353 Standards of Quality; average teacher salary. Requires that the state average teacher salary not be less than the annual national average teacher salary in order to ensure highly qualified instructional staff in the public schools.

Patron - Kory

HB397 Board of Education; statewide uniform grading policy. Requires the Board of Education to establish a policy to interpret end-of-course grades in a uniform manner across the Commonwealth in grades 6 - 12, but allows for a weighted grading system for advanced placement, honors, and International Baccalaureate classes. This bill was incorporated into HB 978.

Patron - Lohr

HB558 Standards of Quality; changes in provisions. Provides for (i) early reading intervention services for students in grades K-3 who demonstrate deficiencies; (ii) mathematics intervention services to students in grades 6, 7, 8, and 9 who are at risk of failing the Algebra I end-of-course test; and (iii) local school division flexibility in the use of state funding designated for Standards of Learning Algebra Readiness; Standards of Quality Prevention, Intervention, and Remediation; Early Reading Intervention; and instructional technology resource teachers. The bill codifies staffing standards for special education, gifted education, and career and technical education. Finally, the bill amends the definition of "support services" and requires local school divisions to report annually the amount of state and local funds budgeted and expended for each category of support services and the amounts received for support services that were used by the local school division to provide additional instructional services.

Patron - Tata

HB565 Public schools; opening of the school year. Allows local school boards, for years in which Labor Day falls on September 5 or later, to set the school calendar so that the first day students are required to attend school shall be no earlier than one week before Labor Day. This bill incorporates HB 731.

Patron - Tata

HB575 Per pupil amount of basic aid reduction; flexibility for local school divisions. Provides that during the 2010-2012 biennium, any local school division experiencing a five percent or greater reduction in the state share of the per pupil amount of basic aid may negotiate an agreement with the Board of Education for flexibility in meeting specific state education mandates impacted by such a reduction. The bill will sunset on June 30, 2012. This bill has been incorporated into HB 111.

Patron - Cole

HB581 Board of Education; teacher licensure; paraprofessional training. Requires the Board of Education to include in its regulations governing licensure a requirement that by September 1, 2011, every person seeking initial licensure or renewal of a license with an endorsement in special education and working with students with autism spectrum disorders must obtain a certificate of completion in coursework in

autism spectrum disorders, as recognized by the Virginia Autism Council. Also requires that by September 1, 2011, any local school division employing paraprofessional aides for students with an autism spectrum disorder shall provide an 80-hour preservice training program that meets the requirements set forth by the Virginia Autism Council.

Patron - Massie

HB731 School calendar. Provides that each local school board shall set the school calendar so that the first day students are required to attend school shall be no earlier than the Monday after the fourth weekend in August. This bill was incorporated into HB 565.

Patron - Albo

HB771 Opening of the school year in the City of Roanoke. Authorizes the City of Roanoke School Board to set the opening of the school year so that the first day students are required to attend school shall be no earlier than two weeks prior to Labor Day.

Patron - Cleaveland

HB780 Open enrollment policies; local school divisions. Requires that by August 1, 2010, local school divisions must have policies that provide for the open enrollment to any school of any pupil residing within the school division upon the request of a parent or guardian and pursuant to certain conditions. Also, requires local school divisions with fewer than 50,000 students to have policies that provide for the open enrollment to any school of pupils residing in adjoining school divisions with fewer than 50,000 students upon the request of a parent or guardian and pursuant to certain conditions.

Patron - LeMunyon

HB781 Local school divisions; certain reporting requirements. Eliminates or reduces certain reporting requirements of local schools. This is in response to a 2009 report from the Department of Education that reviewed state laws and recommended ways to reduce the administrative burden on local school divisions. This bill has been incorporated into HB 208.

Patron - LeMunyon

HB799 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 may grant waivers of this requirement.

Patron - Greason

HB898 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 one percent in the following fiscal year and each subsequent year until the 65 percent requirement is met. 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. This bill was incorporated into HB 76.

Patron - Comstock

HB1001 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 a student who is receiving home instruction and who is eligible for free tuition in a public school in Virginia. This bill was incorporated into HB 926.

Patron - Nutter

HB1067 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 Alliance for a Healthier Generation Competitive Food Guidelines as the initial statewide standard for competitive foods; (ii) the Board to report to the General Assembly on the final regulations by December 1, 2011; 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 2012 - 2013 school year.

Patron - Athey

HB1111 School calendar. Adds to the "good cause" circumstances for which school divisions may be granted a waiver from the regular post-Labor Day school opening schedule a school division containing one or more elementary schools that are receiving Title I funding under the federal Elementary and Secondary Education Act. The waiver will apply only to the elementary schools receiving such funding.

Patron - Ebbin

HB1128 Composite index of local ability-to-pay. Provides that a locality whose composite index exceeds 0.6750 must be considered as having an index of 0.6750 for purposes of distributing all payments based on the composite index.

Patron - Keam

HB1129 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.

Patron - Keam

HB1141 Education; computation of composite index. Requires the General Assembly to modify the current Standards of Quality (SOQ) funding formula and calculation of composite index of local ability to pay that determines each locality's ability to pay for its share of providing an educational program meeting the prescribed SOQ to incorporate within the current indices of wealth the indicated weighting: (i) true values of real estate and public service corporations, at 30%; (ii) adjusted gross income, at 40%; and (iii) the sales subject to the state general sales and use tax, at 30%. The current composite index of local ability to pay provides for the true value of real estate weighted at 50%, with adjusted gross income weighted at 40%, and taxable retail sales weighted at 10%, as indicators of local wealth.

Patron - Morgan

HB1266 Local school board; annual report. Requires that the form provided by the Superintendent of Public Instruction to local school divisions for the purposes of the

annual report, include (i) total expenditure per student; (ii) transportation cost per student mile; (iii) operation and maintenance cost per student and per square foot of schools and offices; (iv) energy cost per student and per square foot of schools and offices; and (v) custodial costs per student and per square foot of schools and offices.

Patron - Gear

HB1289 Permitted fees and charges; local school boards. Clarifies that local school boards are not prohibited from (i) making supplies, services, or materials available to pupils at cost or (ii) imposing a fee or charge for a field trip or any educational program that is not a required activity. School boards may waive such fees or charges for those pupils it determines are unable to afford them.

Patron - Plum

HJ100 Encouraging the Board of Education to support the establishment of additional mathematics, science, and technology Governor's Schools in the Commonwealth. Encourages the Board of Education to support the establishment of additional mathematics, science, and technology Governor's Schools in the Commonwealth.

Patron - LeMunyon

SB24 Critical teacher shortage areas. Extends from 2010 to 2012 the current sunset on the requirements that (i) division superintendents identify and report critical shortages to the school board, upon request (§ 22.1-70.3), and (ii) local school boards identify and report critical shortages to the Superintendent of Public Instruction and the Virginia Retirement System (VRS) (§ 22.1-79). The measure does not address use of this reported information by VRS.

Patron - Locke

SB77 Opening of the school year; good cause. Removes the restriction that a Board of Education waiver from the post-Labor Day school opening requirement based on a school division's dependence on another school division's instructional program shall only apply to the opening date for those schools where such instructional program is dependent on and provided in one or more elementary or middle or high schools of another school division that qualifies for a waiver.

Patron - Reynolds

SB135 Public schools; delay textbook purchases. Provides that local school divisions shall not be required to purchase new textbooks until the 2011 - 2012 school year.

Patron - Obenshain

SB203 Public schools; opening of the school year. Allows local school boards, for years in which Labor Day falls on September 5 or later, to set the school calendar so that the first day students are required to attend school shall be no earlier than one week before Labor Day.

Patron - Blevins

SB210 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. The bill 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, 2012; 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 2013-2014 school year. This bill has been incorporated into SB 414.

Patron - Barker

FSB211 Local school boards; disciplinary authority. Allows local school boards to authorize a principal to immediately send a student who is the subject of a petition alleging that he has committed certain offenses involving intentional injury of another student at the same school to an alternative education program or another school for a 10-day period.

Patron - Barker

FSB353 Public schools; redirecting of class size reduction funds. Requires any funds appropriated for class size reduction programs for the 2010 - 2012 biennium to instead be distributed as direct aid to public education.

Patron - Obenshain

FSB412 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 - Vogel

FSB498 Opening of the 2010 - 2011 school year in Pittsylvania County. Authorizes the Pittsylvania County School Board to set the opening of the 2010 - 2011 school year so that the first day students are required to attend school shall be one week prior to Labor Day.

Patron - Hurt

FSB557 Triennial census of school population; sales and use tax distribution. Eliminates the requirement that every three years a census of all school-age persons residing within each school division takes place. Also, eliminates all related requirements regarding appointment and compensation of persons taking census, agents, and census results. Amends the procedure regarding sales and use tax distribution to localities so that distribution is based on the average daily membership of the school division rather than the school-age population of a school division. This bill has a delayed effective date of July 1, 2011. This bill has been incorporated into SB 413.

Patron - Herring

FSB649 Autism Tuition Assistance Grant Program established; mandated health insurance for autism. Establishes a tuition assistance grant program for students with autism. The program provides grants of no more than \$20,000 a year per student to a Virginia nonsectarian private school of choice for students identified as autistic and for whom individual education plans have been written. The bill requires that in order to receive the grant the following conditions be satisfied: (i) the student has attended a public school in the Commonwealth and has received special education services for at least one year prior to the receipt of the grant; (ii) the parent has obtained acceptance for admission of the student to an eligible private school; (iii) the parent has executed and submitted to the division superintendent a written statement acknowledging that the public school has implemented an individualized educational program that is reasonably calculated to provide educational benefit; and (iv) the parent has requested the grant of the Superintendent of Public Instruction and notified the division superintendent of that request. The bill further requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorders in individuals under age 21. Coverage is subject to an annual maximum benefit of \$36,000. The bill creates a subtraction for any grants

included in the federal adjusted gross income of a parent. The bill establishes a voluntary contribution on the individual income tax return for taxpayers wishing to make a donation to the Grant Program. The bill also repeals § 58.1-439.12:01, which provides for a tax credit for cigarettes manufactured and exported, and requires that any current or future increase in the revenues of the Commonwealth attributable to the repeal of § 58.1-439.12:01 shall be used for purposes of funding the Grant Program.

Patron - Stosch

FSJ136 Department of Education; public schools; development of engineering curriculum. Requests the Department of Education to establish the discipline of engineering, define the goals for the discipline, and assign a shared responsibility for the discipline between science, mathematics, and technology education.

Patron - Miller, J.C.

Carried Over

CHB528 Public schools; notification of physical restraint of student. Requires the school principal or his designee to notify the parents of a student, including those with an Individual Education Plan, whenever action has been taken to physically restrain such student.

Patron - Nixon

CHB622 Economics education and financial literacy. Allows local school boards to implement Board of Education objectives for economics education and financial literacy through other educational programs that meet Board objectives, in addition to relevant Standards of Learning and career and technical education programs.

Patron - Orrock

CHB926 Nonpublic school students; participation in interscholastic programs. Directs a nonprofit corporation founded in Virginia in 1913 to organize and govern interscholastic programs among the public high schools to deem eligible for participation in interscholastic programs a student who is receiving home instruction, who has demonstrated evidence of progress, and who is eligible for free tuition in a public school in Virginia. The bill allows such students to be charged reasonable fees for participation. This bill incorporates HB 70 and HB 1001.

Patron - Bell, Robert B.

CHB978 Board of Education; statewide uniform grading policy. Requires the Board of Education to establish a statewide uniform grading policy whereby a student could receive a maximum of five quality points for an "A" in an Advanced Placement, International Baccalaureate, or dual enrollment course. This bill incorporates HB 397.

Patron - Anderson

CHB1060 Elected school boards; staggered elections. Provides that any locality in Planning District 8 may establish a system of staggered elections for the school board regardless of whether the terms of the local governing body are staggered.

Patron - Marshall, R.G.

CHB1119 Public charter schools; approval of applications. Allows the Board of Education to submit recommendations to local school boards as to the approval of charter school applications, and requires local school boards to provide, in writing, their reasons for denying an application or revoking or failing to renew a charter school agreement. Also

provides that whenever a local school board denies a public charter school application that had been previously reviewed by the Board, and which the Board has recommended for approval by the local school board, the Commonwealth shall withhold from such local school division the payment of a portion of its share of the funding for the Standards of Quality. The portion of funds to be withheld shall be based upon the average daily membership for the number of students to be served by the proposed charter school, according to the charter school application.

Patron - Marshall, R.G.

CSB682 Public schools; recycling. Requires each local school board to report to the Superintendent of Public Instruction any recycling policies voluntarily implemented or in place in any of its schools. The report shall include the types of items recycled, the number of schools participating in the recycling program, and an approximation of the amount of materials being recycled.

Patron - Barker

Educational Institutions

Passed

PHB7 State Council of Higher Education for Virginia; duties. Provides that when performing its duty to develop a uniform, comprehensive data information system designed to gather all information necessary to the performance of the Council's duties, the Council may contract with private entities to create de-identified student records for the purpose of assessing the performance of institutions and specific programs relative to the workforce needs of the Commonwealth.

Patron - Tata

PHB703 Regulation of private and out-of-state institutions of higher education; exemptions. Clarifies that the definition of "vocational" shall not include instructional programs intended solely for recreation, enjoyment, personal interest, or as a hobby, or courses or programs that prepare individuals to teach such pursuits. This bill is identical to SB 598.

Patron - Bulova

PHB903 Threat assessment teams; records. Exempts records of threat assessment teams established at public institutions of higher education from the provisions of the Freedom of Information Act, and allows these teams to receive health and criminal history records of students for the purposes of assessment and intervention. However, if an individual who had been under assessment commits certain violent acts, any records created by the team shall be made publicly available. This bill is identical to SB 207.

Patron - Bell, Robert B.

PHB928 Virginia Universities Clean Energy Development and Economic Stimulus Foundation. Creates the Virginia Universities Clean Energy Development and Economic Stimulus Foundation as a body corporate and a political subdivision of the Commonwealth. The Foundation shall identify, obtain, disburse, and administer funding for (i) research and development of alternative fuels, clean energy production, and related technologies; (ii) support of economic development projects in disadvantaged rural areas; and (iii) the provision of assistance in the commercialization of alternative fuels and clean energy technologies. Funding shall be awarded only to

those proposed projects that best meet the established criteria and purposes of this act.

Patron - Bell, Robert B.

PHB1066 State Council of Higher Education for Virginia; uniform general studies certificate. Requires the development of a uniform certificate of general studies program by the State Council of Higher Education for Virginia, in consultation with the Virginia Community College System and Virginia public institutions of higher education, to be offered at each community college in Virginia. The program must ensure that a community college student who completes the one-year certificate program may transfer all credits to a four-year public institution of higher education in the Commonwealth, upon acceptance to the institution.

Patron - Athey

PHB1238 Public institutions of higher education; crisis and emergency management. Requires the president and vice-president of each public institution of higher education, or the superintendent in the case of the Virginia Military Institute, to annually certify in writing to the Department of Emergency Management comprehension and understanding of the institution's crisis and emergency management plan. The bill also provides that each public institution of higher education shall annually conduct a functional exercise in accordance with the protocols established by the institution's crisis and emergency management plan. This bill is identical to SB 608.

Patron - Torian

PSB165 Roanoke Higher Education Authority; Board of Trustees. Replaces the President of Hampton University with that of James Madison University on the Board of Trustees for the Roanoke Higher Education Authority.

Patron - Edwards

PSB207 Threat assessment teams; records. Authorizes threat assessment teams to receive health and criminal history records of students for the purposes of assessment and intervention, and exempts records of the threat assessment teams from the Freedom of Information Act. However, if an individual who had been under assessment commits certain violent acts, any records created by the team shall be made publicly available. This bill is identical to HB 903.

Patron - Edwards

PSB209 International Baccalaureate; course credit. Requires the governing boards of each public institution of higher education to implement policies regarding the granting of credit for International Baccalaureate and Advanced Placement courses. The governing boards must report to the State Council of Higher Education for Virginia the policy adopted and implemented, and make the policy available on the institution's website.

Patron - Barker

PSB598 Regulation of private and out-of-state institutions of higher education; exemptions. Clarifies that the definition of "vocational" shall not include instructional programs intended solely for recreation, enjoyment, personal interest, or as a hobby, or courses or programs that prepare individuals to teach such pursuits. This bill is identical to HB 703.

Patron - Herring

PSB608 Public institutions of higher education; crisis and emergency management. Requires the president and vice-president of each public institution of higher education, or the superintendent in the case of the Virginia Military Institute, to annually certify in writing to the Department of Emergency

Management comprehension and understanding of the institution's crisis and emergency management plan. The bill also provides that each public institution of higher education shall annually conduct a functional exercise in accordance with the protocols established by the institution's crisis and emergency management plan. This bill is identical to HB 1238.

Patron - Edwards

SB712 Branch campus of George Mason University in the Republic of Korea. Authorizes the board of visitors of George Mason University to establish and operate a branch campus of the university in the Republic of Korea. This bill also authorizes the board of visitors to create a corporation or other legal entity, controlled by the board of visitors, to establish and operate the branch campus and allows the board of visitors to pursue planning and development of the branch campus. Certain provisions customary for the establishment of branch campuses of institutions in foreign lands and constitutional protections for Virginians either teaching or matriculating at the branch campus have been included. The corporation that may be created by the board of visitors of George Mason University is deemed a sole source provider under the Virginia Public Procurement Act (§ 2.2-4300 et seq.). This act will expire on July 1, 2012, if the board of visitors does not create a corporation or other legal entity in accordance with the provisions of this act.

Patron - Petersen

Failed

HB32 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.

HB43 Virginia Polytechnic Institute and State University; authority. Authorizes the rector and board of visitors of Virginia Polytechnic Institute and State University, with the approval of the Governor first obtained, to lease real estate to which the University has acquired title by gift, devise, or purchase.

Patron - Oder

HB274 Automatic acceptance 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 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 have been honorably discharged from service in the United States Armed Forces, the United States Armed Forces Reserves, the Virginia National Guard, or the Virginia National Guard Reserve.

Patron - Englin

HB300 Eligibility for in-state tuition; dependents of civilian personnel of the military. Provides that dependent students of civilians employed by the United States Department of Defense who transfer to a military base in Virginia to avoid the loss of employment will be eligible for in-state or reduced tuition from the date of the parent's or guardian's reassignment to a military base in the Commonwealth. This bill further provides that in the event the parent or guardian is transferred to a military base outside of Virginia before the end of any academic year, the student will continue to be eligible for in-state tuition until the end of the relevant academic year.

Patron - Dance

HB471 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 paid shall not 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.

Patron - Dance

HB732 In-state tuition; limitation on eligibility; 75 percent Virginia domicile requirement. Provides that students entitled to in-state tuition, who have already completed eight semesters for a four-year degree or 10 semesters for a five-year degree, will be assessed a surcharge upon satisfactorily completing 110 percent of credit hours, called the credit hour threshold, needed to obtain a degree in the student's chosen program. Each additional credit hour will be charged at the rate charged to non-Virginia domiciles. The money raised by such surcharge must be used by the institution to create additional in-state student slots. A waiver of the surcharge may be granted by the relevant institution, in accordance with the guidelines and criteria established by the State Council of Higher Education for Virginia (SCHEV). The bill 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 set a goal and establish a plan eventually requiring that at least 75 percent of undergraduate students admitted and enrolled at the institution be Virginia domiciles. The plan shall provide (i) for an increase in out-of-state tuition charges to the level of similarly situated private institutions, to be determined by the State Council of Higher Education for Virginia, with the additional money raised being allocated to the creation of additional student slots for Virginia domiciles and (ii) that any funds received by an institution from the state on or after July 1, 2010, above and beyond inflation shall be allocated to the creation of additional student slots for Virginia domiciles, until 75 percent of the institution's enrolled undergraduate students are Virginia domiciles. A second enactment clause requires SCHEV to revise its guidelines for determining in-state tuition charges, which are not subject to the Administrative Process Act, to include these requirements by July 1, 2010. A third enactment clause specifies that the legislation does not apply to any public four-year institution at which 75 percent or greater of its enrolled students are Virginia domiciles. A fourth enactment clause specifies that the legislation does not apply to any public four-year institution at which fewer than 75 percent of its enrolled students are Virginia domiciles but which has expanded the total of in-state slots by 10 percent or more beyond its 2009 level.

Patron - Albo

HB899 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 to increase the number of Virginia domiciles admitted at the institution over five years, beginning in the 2011 - 2012 academic year, until the number of enrolled Virginia domiciles reaches 80 percent.

Patron - Comstock

HB961 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 paid shall not exceed \$5 million in any fiscal year. These funds shall be used to award scholarships to students who (i) are domiciled residents of Virginia and (ii) are enrolled in an associate degree program in a Virginia community college studying science, technology, engineering, math, education, or nursing.

Patron - Crockett-Stark

HB1005 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, 2010. 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

HB1006 Higher education funding; Virginia domiciles. Provides that notwithstanding any other provision of law, funds allocated for capital and operating expenses in the general appropriation act to the public institutions of higher education in the Commonwealth must be disbursed based upon the total number of Virginia domiciles enrolled in the undergraduate programs at each institution in the previous biennium.

Patron - Athey

HB1007 Population 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 in Virginia must establish rules and regulations requiring that 80 percent of the undergraduate student population of the institution are Virginia domiciles. State funds must be withheld from any institution that does not fulfill the 80 percent requirement.

Patron - Athey

HB1011 Virginia Community College System; baccalaureate degrees. Authorizes the Virginia Community College System to establish programs and grant baccalaureate degrees in nursing, education, applied technology, and other high needs areas to be determined by the Virginia Community College System.

Patron - Athey

HB1016 State Council of Higher Education for Virginia; abolished. Abolishes the State Council of Higher Education for Virginia and transfers its duties, responsibilities, and functions to the successor in interest to the Council.

Patron - Hugo

HB1026 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 percent of students admitted and enrolled at the institution be Virginia domiciles.

Patron - Hugo

HB1212 Visitors of Norfolk State University; authority. Authorizes the Visitors of Norfolk State University, with the approval of the Governor first obtained, to lease real estate to which the University has acquired title by gift, devise or purchase.

Patron - Spruill

HB1239 In-state tuition; certain Department of Defense employees. Provides that any civilian employees of the Department of Defense that are realigned to Virginia as a result of Base Realignment and Closure, and their dependents, shall pay the in-state tuition rate at the public institution of higher education in which they are enrolled.

Patron - Torian

HB1271 Regulating firearms by educational institution. Provides that the board of visitors or other governing body of an educational institution has the power to establish rules and regulations for the possession or transportation of firearms or ammunition on property owned or operated by the institution.

Patron - Torian

HB1364 Eligibility for in-state tuition grants for members of the National Guard to allow for religious training or theological education. Allows certain National Guard members to receive tuition grants to attend any nonprofit institution of higher education in the Commonwealth, including one whose primary purpose is to provide religious training or theological education.

Patron - Greason

SB166 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 paid shall not exceed \$5 million in any fiscal year. These funds shall be used to award scholarships to students who (i) are domiciled residents of Virginia and (ii) are enrolled in an associate degree program in a Virginia community college studying science, technology, engineering, math, education, or nursing. This will only become effective upon an appropriation of general funds effectuating the purposes of the bill passed by the 2010 General Assembly.

Patron - Edwards

SB180 Virginia Polytechnic Institute and State University; lease of certain property. Authorizes Virginia Polytechnic Institute and State University to lease certain real property in its possession or control for student housing provided that (i) the lease is to a recognized student organization for student housing; (ii) if the building has not been constructed or if renovations to a current building are required, the University shall not directly or indirectly construct or renovate any building for student housing; and (iii) the student housing building is in compliance with the Uniform Statewide Building Code.

Patron - Stosch

SB182 Two-Year College Transfer Grant Program; eligibility. Changes GPA eligibility for the Two-Year College Transfer Grant Program from 3.0 to 2.5.

Patron - Stosch

SB312 In-state tuition; DOD employees. Provides in-state tuition for dependents of civilian Department of Defense employees located in Virginia. This bill incorporates SB 544.

Patron - Martin

SB326 Virginia Universities Clean Energy Development and Economic Stimulus Foundation. Creates the Virginia Universities Clean Energy Development and Economic Stimulus Foundation as a body corporate and a political subdivision of the Commonwealth. The Foundation shall identify, obtain, disburse, and administer funding for (i) research and

development of alternative fuels, clean energy production, and related technologies; (ii) support of economic development projects in disadvantaged rural areas; and (iii) the provision of assistance in the commercialization of alternative fuels and clean energy technologies. Funding shall be awarded only to those proposed projects that best meet the established criteria and purposes of this act.

Patron - Stuart

SB403 SCHEV; publication of administrators' salaries. Requires the State Council of Higher Education for Virginia (SCHEV) to annually collect and publish a list of administrators at public institutions of higher education whose salary and compensation is in excess of \$150,000.

Patron - Petersen

SB434 Virginia Polytechnic Institute and State University; authority. Authorizes the rector and board of visitors of Virginia Polytechnic Institute and State University, with the approval of the Governor first obtained, to lease real estate to which the University has acquired title by gift, devise, or purchase.

Patron - Edwards

SB534 Administration of higher education. Restructures the system of higher education by abolishing the State Council of Higher Education for Virginia and the Chancellor and Board for the Virginia Community College System and transferring certain of their duties to the Secretary of Education, the Board of Education, and the Department for Veterans Services. Other Code sections pertaining to these agencies have been repealed. This bill also creates the Virginia Higher Education Advisory Board as an advisory board within the executive branch of state government. Members of the Board are appointed by the Governor. The Board is charged with advising the Governor, General Assembly, and Secretary of Education on the development and operation of a seamless and educationally and economically sound and coordinated system of higher education in the Commonwealth, including the establishment, control, and administration of the Virginia Community College System. The duties and responsibilities of the Secretary of Education have been expanded to authorize the Secretary to oversee the system of higher education. The terms of current appointees to the State Council of Higher Education and the Board for the Virginia Community College System will expire on July 1, 2010. The bill also makes several technical amendments.

Patron - McDougle

SB544 In-state tuition; certain Department of Defense employees. Provides that any civilian employees of the Department of Defense that are realigned to Virginia as a result of Base Realignment and Closure, and their dependents, shall pay the in-state tuition rate at the public institution of higher education in which they are enrolled. This bill was incorporated into SB 312.

Patron - Colgan

SB718 Private capital lending for local governments and public institutions of higher education. Allows a local government or public institution of higher education to enter into certain conduit lending agreements to finance certain capital projects.

Patron - Norment

SB735 In-state tuition; National Guard. Provides in-state tuition for any person who met the requirements for in-state tuition prior to being called to active duty in the National Guard of another state, following completion of active duty service if during active duty that person maintained one or

more of the following in Virginia, rather than in another state or jurisdiction: a driver's license, motor vehicle registration, voter registration, employment, property ownership, or sources of financial support.

Patron - Barker

Carried Over

HB1205 Private institutions of higher education; credit enhancement. Allows the Virginia College Building Authority to issue or acquire credit enhancements to secure payment of bonds issued by the Authority. Credit enhancements include, without limitation, surety bonds, insurance policies, letters of credit, guarantees and other forms of collateral or security as well as capital reserve funds for private institutions of higher education.

Patron - Morgan

HB1229 Public institutions of higher education; active duty military students. Provides that students called to active military duty during an academic semester shall have the opportunity to return to the institution upon completion of the active duty military assignment, without having to reapply for admission. Also, if the student had previously been accepted to any of the institution's graduate programs, the student may defer acceptance until his return.

Patron - Loupassi

SB141 Higher education; complimentary materials. Specifies that instructional faculty at a Virginia public college or university shall not be prohibited from selling, gifting, or otherwise disposing of complimentary books or other instructional materials sent or given to them by publishers, whether those instructional materials were requested as examination copies or were sent to them unsolicited by the publishers.

Patron - Miller, J.C.

SB454 Private institutions of higher education; credit enhancement. Allows the Virginia College Building Authority to issue or acquire credit enhancements to secure payment of bonds issued by the Authority. Credit enhancements include, without limitation, surety bonds, insurance policies, letters of credit, guarantees and other forms of collateral or security as well as capital reserve funds for private institutions of higher education.

Patron - Ruff

SB720 Tuition charges; covered institutions of higher education. Authorizes the covered institutions governed by Subchapter 3 (§ 23-38.91 et seq.) of the Restructured Higher Education Financial and Administrative Operations Act to charge either a fixed tuition amount or a variable tuition amount based on ability to pay.

Patron - Norment

Elections

Passed

HB50 Absentee voting; duties of the general registrar; penalty. Requires, once the printed ballots are available, that the general registrar send the absentee ballot within three business days of receiving a properly completed application. Any person who fails to discharge his duty regarding the

absentee ballot process through willful neglect of duty and with malicious intent is guilty of a Class 1 misdemeanor.

Patron - Cole

HB63 In-person absentee voting; late applications and emergencies. Expands the scope of persons defined as members of the voter's immediate family, and whose death or hospitalization permits the registered voter to submit a late application for in-person absentee voting, to include children, including adopted children, legal guardians, and siblings of the whole or half blood.

Patron - Toscano

HB104 Elections; filing deadlines. Increases the duration of time between filing deadlines and November elections. Declarations of candidacy for a special election held in November will need to be filed 81 days, rather than 74 days, before the election. A referendum election must be ordered 81 days, rather than 60 days, before the referendum election.

Patron - Loupassi

HB125 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

HB215 Campaign telephone calls; caller identification. Prohibits any candidate, candidate campaign committee, person, corporation, or political committee making campaign telephone calls to intentionally modify caller identification information in order to mislead the recipient as to the identity of the caller. If the call is made from an "automatic dialing-announcing device" and caller identification information includes a name associated with the telephone number, then the caller identification information shall include, as appropriate, the name of the candidate, candidate campaign committee, person, corporation, or political committee that has authorized and is paying for the calls or the vendor conducting the calls.

Patron - Alexander

HB217 Elections; absentee ballot lists. Requires the State Board of Elections to provide an electronic copy of the absentee voter applicant list to any political party or candidate, upon request and for a reasonable fee.

Patron - McClellan

HB220 Polling places; campaigning activities. Clarifies that the exemption allowing a voter to enter a polling place wearing a shirt, hat, or other apparel on which a candidate's name or a political slogan appears does not apply to candidates, representatives of candidates, or any other person who enters the polling place for a purpose other than voting. Local electoral boards are provided the flexibility in the designation of the 40-foot prohibited area if an entrance to the building is from an adjoining building, or if establishing the prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

Patron - Watts

HB356 Campaign finance; political campaign advertisements. Requires that the State Board of Elections hold a public hearing when determining whether the chapter on political campaign advertisements has been violated and whether to assess a civil penalty. The Board is required to send

notice by certified mail to persons whose actions will be reviewed and who may be subject to a civil penalty at least 10 days before the hearing. Notice shall include the date and time of the hearing, an explanation of the violation, and maximum assessable penalty.

Patron - Ware, O.

HB390 State Board of Elections; voting equipment requirements. Authorizes the local electoral board to exclude absentee voters from the calculation of registered voters used to determine the number of mechanical and electronic voting or counting devices that must be provided in each precinct. The board must send the State Board a statement of the number of voting systems to be used in each precinct, and the State Board may direct the local board to provide more systems.

Patron - Dance

HB450 Appointments to fill vacancies in local offices. Provides that persons appointed to serve the remainder of a term due to vacancy in a local office shall exercise all powers of the elected office. The bill also affirms that votes cast prior to July 1, 2010, by persons duly appointed to fill a vacancy, including votes appropriating money in excess of \$500, imposing taxes, or authorizing the borrowing of moneys, are validated and confirmed as the lawful vote of an elected member of the governing body. Although in conflict with a recent opinion of the Attorney General, the amendments are consistent with case law and an earlier opinion of the Attorney General.

Patron - Ware, R.L.

HB499 Candidates for office; petitions. Provides that persons signing petitions for an independent candidate or candidate for nomination by primary will no longer be required to provide their social security number, but will be permitted to include the last four digits of their social security number.

Patron - Lingamfelter

HB1000 Elections; emergency procedures. Requires a local electoral board to give notice, including notice to all candidates on the ballot if an emergency makes a polling place unusable or inaccessible and an alternate polling place is provided. The provision of the alternative polling place is subject to the prior approval of the State Board. The bill adds a definition of "emergency."

Patron - Nutter

HB1014 Elections; filling vacancies in certain local offices; special elections. Provides that vacancies in a governing body or elected school board shall be filled by special election. If the vacant position is not that of a constitutional officer, the position may be filled temporarily by an interim appointment. The requirement for a special election overrides charter provisions that allow a governing body or school board to appoint a person to serve the entire remaining portion of a term. An exemption from the requirement to hold a special election for towns with a population of 3,500 or less is removed.

Patron - Athey

HB1203 State Board of Elections; Candidate consent. Requires recognized political parties to receive consent from a candidate before nominating them.

Patron - Putney

HB1225 Elections; voting equipment; acquisition of DREs. Allows localities to acquire direct recording electronic machines (DREs) for the purpose of providing one voting system at each polling place equipped for individuals with disabilities. The local electoral board shall notify the State

Board when acquiring DREs under this subdivision and shall certify to the State Board that the DREs acquired under this subdivision are necessary to meet accessible voting requirements. This bill is identical to SB 593.

Patron - Toscano

HB1235 Absentee ballots; various deadlines related to ballot preparation and receipt; write-in absentee ballots. Requires that ballots be prepared and available for absentee voting not later than 45 days before any election rather than 45 days before the November election and 30 days before other elections. The bill also requires preparation of ballots 45 days in advance of special elections for federal office and allows, if necessary, preparation as soon after that deadline as possible for other special elections. Various deadlines for nominations and filings are adjusted in response to the ballot preparation change. The bill provides that voters who are entitled to vote absentee due to active duty military service, membership in the merchant marines, or temporary residence outside of the country, or the spouse or dependent residing with such a voter, may use a write-in absentee ballot to vote in state and local elections, as well as federal elections. The write-in absentee ballot may also serve as an absentee ballot application and voter registration application for state and local elections, as well as federal elections. Such voters may apply for multiple ballots for a one-year period. Current law allows multiple ballots for a period covering two federal elections. The bill also adds a requirement that the electoral board send such military and overseas voters an available printed absentee ballot within three business days.

Patron - Anderson

HB1387 Campaign finance information and reports; public access. Clarifies that information, not required to be entered into the campaign finance database that candidates or committees may include in campaign finance report-creation software managed by or for the State Board is not required to be disclosed to the public.

Patron - Jones

SB49 Authorized representatives at polling places; use of wireless communication devices. Provides that authorized representatives of political parties or candidates that are permitted to observe activities at polling places shall be a qualified voter in any jurisdiction in the Commonwealth. Currently, such representatives must be a qualified voter of the county or city where the polling place is located. The bill also permits such representatives to use handheld wireless communication devices at polling places provided such devices does not contain a camera or other imaging device.

Patron - Martin

SB50 Officers of election; training. Provides that the State Board of Elections shall require certification that officers of election have been trained consistent with the training standards set by the Board. Such certification shall be submitted every four years by the local electoral board or general registrar that conducts the training.

Patron - Martin

SB51 Absentee voting; poll watchers. Authorizes any person to vote absentee who has been designated by a political party or candidate to be a representative of that party or candidate inside a polling place on the day of the election.

Patron - Martin

SB55 Absentee ballots; various deadlines related to ballot preparation and receipt; write-in absentee ballots. Requires that ballots be prepared and available for absentee voting not later than 45 days before any election rather than 45

days before the November election and 30 days before other elections. The bill also requires preparation of ballots 45 days in advance of special elections for federal office and allows, if necessary, preparation as soon after that deadline as possible for other special elections. Various deadlines for nominations and filings are adjusted in response to the ballot preparation change. The bill provides that voters who are entitled to vote absentee due to active duty military service, membership in the merchant marines, or temporary residence outside of the country, or the spouse or dependent residing with such a voter, may use a write-in absentee ballot to vote in state and local elections, as well as federal elections. The write-in absentee ballot may also serve as an absentee ballot application and voter registration application for state and local elections, as well as federal elections. Such voters may apply for multiple ballots for a one-year period. Current law allows multiple ballots for a period covering two federal elections. The bill also adds a requirement that the electoral board send such military and overseas voters an available printed absentee ballot within three business days. A provision is added (i) to allow the counting of absentee ballots received from such voters after the close of the polls and two business days before the State Board of Elections meets to ascertain the results and (ii) to adjust the final returns to include such ballots. This bill incorporates SB 48, SB 152 and SB 482.

Patron - Martin

SB60 Copying of absentee ballot applications. Provides that applications for absentee ballots may be inspected but not copied. Currently the applications may be inspected and copied.

Patron - Martin

SB61 Appointment of officers of election. Provides that if an electoral board decides to appoint substitute or additional officers of election after the appointments made by the board at its regular meeting in February, such appointments shall be made, if practicable, from lists of nominations filed by the political parties that are entitled to representation as officers. The bill also provides that, if practicable, no more than one-third of the officers appointed for each precinct may be citizens who do not represent any political party.

Patron - Martin

SB137 Lists of registered voters; disclosure to commissioners of the revenue and treasurers. Allows the State Board of Elections to furnish, for a reasonable fee, lists of registered voters to commissioners of the revenue and city or county treasurers for tax assessment, collection, and enforcement purposes.

Patron - Obenshain

SB306 Information provided to political parties and candidates. Provides that, upon request and at a reasonable charge not to exceed the actual cost incurred, a political party or candidate is entitled to receive a copy of (i) the list of officers of election showing their party designation and assigned precinct and (ii) any instructions or information provided by the State Board to local electoral boards and registrars. The Board is required to post on the Internet its rules and regulations within three business days of their adoption.

Patron - Martin

SB308 Retention of absentee ballot applications. Provides that the general registrar may retain all absentee ballot applications until the electoral board has ascertained the results of the election, and has determined the validity of and counted all provisional ballots, before delivering such applications to the clerk of the circuit court. Currently, such applica-

tions must be delivered to the clerk before noon on the day following the election.

Patron - Martin

SB309 Voter registration applications; retention of information on applicant's last previous residence. Provides that the general registrar for the locality where a voter currently resides shall retain a copy of the portion of the application that shows the applicant's last previous place of registration. The general registrar shall send the original portion to the appropriate registration official of another state if the applicant formerly resided in another state.

Patron - Martin

SB313 Absentee voters; central absentee voting precinct. Provides that a voter, who has applied for but did not receive or has lost an absentee ballot or who returns an unused or accidentally spoiled absentee ballot, shall be allowed to vote on election day at his proper polling place or at a central absentee voter precinct for his county or city.

Patron - Martin

SB506 Political contributions; prohibition during procurement process. Provides that neither the Governor, his political action committee, nor any pertinent Secretaries shall knowingly solicit or accept a contribution, gift, or other item with a value greater than \$50 from any bidder, offeror, or private entity who has submitted a bid or proposal pursuant to the Virginia Public Procurement Act, the Public-Private Transportation Act, or the Public-Private Education Facilities and Infrastructure Act during the bidding period. The restrictions only apply if the stated or expected value of the contract is \$5 million or more and do not apply to contracts awarded as the result of competitive sealed bidding. Furthermore, no bidder, offeror, or private entity who has submitted a bid or proposal under such acts shall offer or promise to make such a gift to the Governor, his political action committee, or any of his pertinent Secretaries. Any violation shall be a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater.

Patron - Smith

SB593 Elections; voting equipment; acquisition of DREs. Allows localities to acquire direct recording electronic machines (DREs) for the purpose of providing one voting system at each polling place equipped for individuals with disabilities. The local electoral board shall notify the State Board when acquiring DREs under this subdivision and shall certify to the State Board that the DREs acquired under this subdivision are necessary to meet accessible voting requirements. This bill is identical to HB 1225.

Patron - Puller

SB654 Electronic reforms; State Board of Elections. Makes several amendments to Title 24.2 (Elections) that authorize the State Board of Elections to utilize various electronic systems. The bill provides that the State Board shall provide only electronic pollbooks, and not paper pollbooks, for any election held on or after November 1, 2010, and for all subsequent years and makes corresponding amendments that become effective on November 1, 2010. The bill further provides that the State Board may furnish an electronic copy of absentee voter applicant lists to candidates or political parties for use only for campaign and political purposes. Such lists shall not contain any voter's social security number, or part thereof; day and month of birth; or residence address of a voter who has provided a post office box in lieu of a residence street address.

Patron - Northam

SB723 Campaign finance disclosure; special reports of large contributions by governing body members. Repeals the provision (§ 24.2-948) enacted in 2004 that required governing body members during non-election years to report campaign contributions of \$500 or more within 15 business days of receipt. The bill amends other sections in the Code to delete references to the repealed provision.

Patron - Ticer

Failed

HB64 Absentee ballots. Authorizes the State Board of Elections to develop procedures for the counting of absentee ballots not capable of being read with optical scan or similar counting devices due to damage, formatting, or electronic transmission.

Patron - Toscano

HB65 Print-on-demand ballots; restrictions on printing. Requires that any print-on-demand ballot system, used by a county or city for absentee or emergency voting, shall be used in accordance with the instructions of the State Board. Any person with the responsibility to print ballots must first sign a statement, subject to felony penalties, that he will: (i) print the number of ballots required for such absentee or emergency voting in accordance with the instructions of the electoral board; (ii) print, and permit to be printed, directly or indirectly, no more than that number; (iii) destroy at once any imperfect and perfect impressions other than those required for such absentee or emergency voting; (iv) distribute the type, if any, used for such work as soon as such number of ballots is printed; and (v) not communicate to anyone, in any manner, the size, style, or contents of such ballots.

Patron - Toscano

HB78 Nomination of candidates for political office. Removes the exception by which an incumbent of the General Assembly may determine the method of nomination used by his political party for reelection to his office. If this provision were removed, the method of nomination would be chosen by the political party for that district, which is the current standard in nominations where there is no incumbent or the incumbent fails to make a designation.

Patron - Ware, R.L.

HB101 Elections; powers of general registrar. Clarifies that a general registrar may, in his judgment, request any reasonable and nondiscriminatory information from an applicant to determine such applicant's qualification to register and vote.

Patron - Loupassi

HB114 Campaign contributions; stored value cards; prohibition. Provides that campaign contributions made through a stored value card may never be accepted. The bill defines the term "stored value card." The bill also adds a provision applicable to candidate campaign committees that the candidate or committee cannot accept any contribution that is not attributable to an identified person and if received, such amounts must be contributed to charity.

Patron - Marshall, R.G.

HB157 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 two new provisions.

Patron - Dance

HB158 Elections; early voting. Provides that any registered voter qualified to vote in the election may vote in person from 14 to three days before the election, or eight to three days before a special election, in the office of the general registrar or secretary of the electoral board. 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, 2011.

Patron - Dance

HB161 Elections; absentee voting. Provides that qualified voters may vote absentee in person without providing an excuse or reason for not being able to vote in person on election day. The bill retains the present statutory list of specific reasons entitling a voter to cast an absentee ballot for those persons who vote absentee by mail.

Patron - Dance

HB179 Nonpartisan Redistricting Commission created. Establishes a seven-member temporary commission to prepare redistricting plans in 2011 and each 10th year thereafter for the House of Delegates, state Senate, and congressional districts. Appointments to the Commission shall be made by majority vote of the Supreme Court among retired judges who have indicated their willingness to serve on the Commission. 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. The bill 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.

Patron - Morrissey

HB185 Elections; early voting. Provides that any registered voter qualified to vote in the election may vote in person from 14 to three days before the election, or eight to three days before a special election, in the office of the general registrar or secretary of the electoral board. 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, 2011.

Patron - Morrissey

HB202 Campaign finance disclosure; reports; candidate committees. Requires the person filing a candidate campaign committee finance disclosure report to attach a copy of the most recent bank statement for the campaign depository. This requirement applies to the reports filed periodically but not to the special reports required for certain large pre-election contributions and for certain large contributions to local governing body members.

Patron - Alexander

HB323 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.

Patron - Plum

HB340 Elections; candidate qualifications; evidence of qualifications. Provides that candidates shall provide evidence of their qualifications for office to have their names printed on the ballot. The State Board of Elections shall provide a list of acceptable forms of evidence. The bill applies to elections held after December 31, 2011.

Patron - Marshall, R.G.

HB341 Elections; voter integrity and identification provisions. Requires the following steps to emphasize integrity in the voting process: (i) posting notice in at least two languages at the polls of legally required voting qualifications and penalties for violations; (ii) requiring proof of citizenship with registration applications; and (iii) revising the voter identification requirements for in-person and absentee voting procedures. While any person who is registered in Virginia on January 1, 2010, is deemed to have provided satisfactory proof of citizenship and is not required to submit proof of citizenship, that privilege shall not be construed to affirm or deny whether such person is lawfully registered to vote in the Commonwealth. The act will take effect January 1, 2011.

Patron - Marshall, R.G.

HB362 Elections; early voting. Provides that any registered voter qualified to vote in the election may vote in person from 19 to three days before the election at specified times and at the sites provided in the locality. The provisions for absentee voting remain in effect except that the provisions for in-person absentee voting are superseded by the early voting process during the early voting period.

Patron - Ware, O.

HB497 Elections; voter registration applications; proof of citizenship. Requires that proof of citizenship be filed with registration applications. The act will take effect January 1, 2011.

Patron - Lingamfelter

HB498 Elections; voter identification requirements; provisional ballots. Eliminates 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. Requires a photo ID and provides that the voter may vote a provisional ballot if he cannot provide the required proof of identification. The bill also provides that, in order to determine whether a person who cast a provisional ballot is a qualified voter, an electoral board may rely on a faxed copy of a person's proof of identification.

Patron - Lingamfelter

HB527 State Board of Elections; Director of Elections. Increases the size of the State Board from three to five members. Provides for the position of Director of Elections to be hired by the State Board with the concurrence of at least four of its members, subject to confirmation by the General Assembly, as head of the elections agency, in place of the present position of the Secretary who is a member of the State Board appointed by the Governor. The Director may be removed only by a vote of at least four members of the State Board.

Patron - Nixon

HB608 Prohibited contributions from certain attorneys; penalty. Prohibits any attorney who has represented or reasonably anticipates the representation of the Virginia Retirement System or any local retirement system in securities litigation from making a campaign contribution.

Patron - Purkey

HB638 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.

Patron - Armstrong

HB646 Elections; qualification of candidates. Requires that any action of the State Board in accepting or failing to accept the qualification of any candidate shall be considered a case decision and subject to the Administrative Process Act.

Patron - Armstrong

HB648 Elections; candidates; required filings; to whom submitted and deadlines. Designates the State Board of Elections as the recipient of any paperwork required of candidates for statewide office and the General Assembly. Deadlines for submitting paperwork are uniform for the primary and November elections.

Patron - Armstrong

HB768 Political contributions; prohibition during procurement process. Provides that no bidder or offeror, or person acting on his behalf, who has submitted a bid or proposal for the award of a public contract with an expected value of \$1 million or more pursuant to the Virginia Public Procurement Act shall make, directly or indirectly, a contribution to any campaign committee, political action committee, or political party committee during the period between the submission of the bid or proposal and the award of the contract. A person who violates this prohibition shall be subject to a civil penalty of up to two times the amount of the contribution.

Patron - Cleaveland

HB772 Elections; qualifications of general registrars. Requires that a general registrar be a qualified voter of the Commonwealth. A general registrar would no longer be required to be a qualified voter of the county or city for which he is appointed. This bill was incorporated into HB 59.

Patron - Cleaveland

HB786 Elections; polling hours. Extends the hours that polls close on election day from 7:00 p.m. to 8:00 p.m.

Patron - LeMunyon

HB832 Elections; reports of absentee voting. Requires election results for the central absentee voter precinct

to indicate the precinct of the absentee voter unless the reported total for any precinct within the central absentee precinct would disclose how any voter voted.

Patron - Surovell

HB835 Nonpartisan Redistricting Commission created. Establishes a seven-member temporary commission to prepare redistricting plans in 2011 and each 10th year thereafter for the House of Delegates, state Senate, and congressional districts. Appointments to the Commission shall be made by majority vote of the Supreme Court among retired judges who have indicated their willingness to serve on the Commission. 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. The bill 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.

Patron - Carr

HB949 Elections; candidate statement of qualification. Makes it explicit that a false statement on a candidate's statement of qualification is unlawful and subject to Class 5 felony penalties under Code § 24.2-1016.

Patron - Howell, A.T.

HB1148 Campaign finance disclosure reports; reviews. 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. The provisions would become effective on January 1, 2011.

Patron - Scott, J.M.

HB1149 Campaign finance; disclosure of controlling individuals. Adds a requirement for campaign committees, political committees, and out-of-state political committees to report the name and address of any controlling individual with an ownership interest exceeding 50 percent in any contributor that is a corporation, partnership, business, or other like entity. Prohibits making or receiving contributions without required disclosure and imposes a civil penalty equal to the greater of \$500 or the amount of the contribution.

Patron - Scott, J.M.

HB1202 State Board of Elections; powers and duties. Authorizes the State Board to make reasonable inspections of any polling place or any general registrar or electoral board office. The bill also provides that the State Board shall develop and implement performance measures for evaluating the integrity of elections and the proper administration of election laws by electoral boards and registrars.

Patron - Brink

HB1242 State Board of Elections; voter lists. Expands the list of people and organizations who may purchase the list of registered voters and list of persons who voted in elections.

Patron - Cole

HB1261 Political campaign advertisements; disclosure requirements. Provides that advertisements on the Internet that do not contain sufficient space to display the required disclosure statement may meet disclosure require-

ments by providing a direct link to another Internet site that displays the required disclosure statement.

Patron - Englin

HB1262 Elections; absentee voting procedures. Deletes the requirement that domestic absentee voters must provide detailed information (i.e., full name and full address) in their sworn statement on the envelope in which they return their marked absentee ballot and thereby provides that the requirements for domestic voters will be the same as for military and overseas voters. This detailed information has already been provided in the application for the absentee ballot.

Patron - Surovell

HB1335 Elections; distribution of mail voter registration application forms. Provides that the State Board of Elections, in cooperation with the Board of Game and Inland Fisheries, will make mail voter registration application forms available where hunting licenses are sold.

Patron - Putney

HJ85 State Board of Elections; active military and overseas voters; absentee ballots. Requests the State Board of Elections to develop and implement secure procedures for active military and overseas voters to cast timely absentee ballots. The Board may consider new technology and the option of returning absentee ballots directly to the State Board. It shall summarize its progress in a public report by January 12, 2011.

Patron - Marshall, D.W.

SB48 Absentee ballot deadline; military voters. Increases the deadline for each electoral board to make absentee ballots available from 30 to 45 days for all elections in order to match the 45-day deadline that currently applies to any November general election or special election held at the same time. The State Board may withhold funds from an electoral board that has willfully and repeatedly failed to comply with this deadline and use such withheld funds for the training of electoral boards and general registrars. The bill also extends the time when an absentee ballot must be returned by an absentee voter who is eligible for an absentee ballot due to active duty military service, membership in the merchant marines, or temporary residence outside of the country, or the spouse or dependent residing with such a voter, from before the closing of the polls to 5:00 p.m. on the forty-fifth day after printed absentee ballots were made available if the absentee voter has requested an absentee ballot more than 45 days before the election. This bill was incorporated into SB 55.

Patron - Martin

SB83 Elections; absentee voting. Provides that qualified voters may vote absentee in person without providing an excuse or reason for not being able to vote in person on election day. The bill retains the present statutory list of specific reasons entitling a voter to cast an absentee ballot for those persons who vote absentee by mail.

Patron - Howell

SB134 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 and provides instead for the

voter to vote a provisional ballot if he cannot provide a required form of identification.

Patron - Obenshain

SB139 Elections; absentee voting. Provides that persons age 65 and older will be entitled to vote absentee.

Patron - Miller, J.C.

SB144 Absentee voting; application by electronic mail or other electronic means. Provides that the State Board of Elections shall implement a system to accept absentee ballot applications electronically. Currently, an applicant may request and receive, but not submit, an absentee ballot application electronically. The bill takes effect only if funds are appropriated by the 2010 Session of the General Assembly to effectuate its purposes. This bill incorporates SB 426.

Patron - Miller, J.C.

SB152 Absentee ballot deadline; military voters. Provides that an absentee ballot will be counted if received by 5:00 p.m. on the tenth day following an election if cast by a voter who is eligible for an absentee ballot due to active duty military service, membership in the merchant marines, or temporary residence outside of the country, or the spouse or dependent residing with such a voter, where the voter requested the ballot prior to the deadline for making printed absentee ballots available and such ballot was not mailed or delivered until after such deadline had elapsed. This bill was incorporated into SB 55.

Patron - Stuart

SB173 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 SB 296 and SB 626.

Patron - Deeds

SB226 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 and provides for notice by any petitioner for an extension to the other potential petitioners. The potential petitioners are the Secretary of the State Board of Elections and the state chairs of the political parties.

Patron - Barker

SB296 Virginia Redistricting Commission created. Establishes a five-member commission to prepare redistricting plans 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. Those four appointees shall appoint the fifth member and chair of 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 was incorporated into SB 173.

Patron - Miller, J.C.

SB301 Voter identification requirements; provisional ballots. Eliminates 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 and provides instead for the voter to vote a provisional ballot if he cannot provide a required form of identification. The bill also provides that, in order to determine whether a person who cast a provisional ballot is a qualified voter, an electoral board may rely on a faxed copy of a person's identification. The bill also removes a Commonwealth of Virginia voter registration card from the list of forms of identification that a voter can present to demonstrate that he is a qualified voter.

Patron - Martin

SB302 Voter registration application; required information. Provides that the failure of an applicant to register to vote to provide the information required on the application form shall constitute a material error or omission and cause the applicant not to be registered. Whenever an application is thus rejected, the registrar shall notify the applicant in writing what is needed to complete the application. The applicant may submit a completed application not later than 11 days before the election. The usual deadline for registration is 21 days before the election.

Patron - Martin

SB303 Provisional and paper ballots; information to be made available on the Internet. Requires the State Board of Elections to make available on its website the total number of provisional and official paper ballots cast and counted for each precinct. This requirement does not apply where the official paper ballot is the only ballot used in the precinct.

Patron - Martin

SB304 Voter registration exchange; pilot program. Directs the State Board of Elections to conduct a pilot program with at least three other states by July 1, 2011, to determine the number of duplicate registrations and to report in September 2011, to the Committees on Privileges and Elections, on the number of duplicate registrations discovered and the steps taken by the Board to eliminate duplicate registrations.

Patron - Martin

SB305 Voter registration applications; material error or omission. Requires the State Board of Elections to promulgate rules and regulations for determining whether an error or omission made by a person on a voter registration application constitutes such a material error or omission that the rejection of the application would be required.

Patron - Martin

SB307 Absentee voting; signature; identification. Provides that individuals who vote absentee shall be requested to submit with the absentee ballot (i) a copy of a current and valid photo identification; or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other docu-

ment that shows the name and address of the voter. If an individual does not submit such identification, the individual's signature on the absentee ballot envelope shall be compared to the individual's signature on his voter registration. The ballot shall not be counted if there appears to exist a material discrepancy between these signatures, however such ballot shall be counted as a provisional ballot.

Patron - Martin

SB314 Absentee ballot return; drop boxes prohibited. Provides that absentee ballots returned in person must be physically delivered to and received by a member of the electoral board, the registrar, or an assistant registrar, and that deposit in drop boxes located outside the office of the board or registrar is deemed not to be an acceptable means of personal delivery.

Patron - Martin

SB359 State Board of Elections; fees for paper filings. Imposes an annual \$25 fee for filing a campaign finance statement of organization with the State Board of Elections. Requires Board to adopt regulation providing exemption for indigence.

Patron - Northam

SB416 Election laws; enforcement and prosecution. Gives the Attorney General the independent authority to enforce and prosecute violations of election laws in addition to the existing authority granted to the Attorney General pursuant to a unanimous vote of all members of the Board of Elections requesting the Attorney General to assist the attorney for the Commonwealth.

Patron - Vogel

SB426 Absentee voting; application by electronic mail or other electronic means. Provides that the State Board of Elections shall implement a system to accept absentee ballot applications electronically. Currently, an applicant may request and receive, but not submit, an absentee ballot application electronically. This bill has been incorporated into SB 144.

Patron - Herring

SB463 Primary schedule in 2011. Moves the June 14, 2011, primary date to September 13, 2011, in anticipation of the 2011 redistricting process and adjusts various deadlines for filings and election preparations to accommodate the new primary date.

Patron - Howell

SB482 Deadline for making absentee ballots available; military voters. Increases the deadline for each electoral board to make absentee ballots available from 45 to 50 days prior to any November general election or special election held at the same time, and from 30 to 35 days prior to any other general, special, or primary election. Each electoral board must report to the State Board of Elections whether it has complied with these deadlines no later than five days after absentee ballots are made available. The bill also provides that making absentee ballots available includes mailing the ballot or electronic transmission of the ballot to an absentee voter who is eligible for an absentee ballot due to active duty military service, membership in the merchant marines, or temporary residence outside of the country, or to the spouse or dependent residing with such a voter, and that absentee ballots shall be provided to such voters within three business days upon receiving the voter's application. The bill further provides that absentee ballots cast by such voters will still be counted even if received after the close of the polls on election day if the ballot was

received before the State Board meets to ascertain the results of the election. This bill was incorporated into SB 55.

Patron - Hurt

SB626 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 of 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 was incorporated into SB 173.

Patron - Vogel

SB683 Elections; absentee voting procedures. Deletes the requirement that domestic absentee voters must provide detailed information concerning their legal residence in Virginia in their sworn statement on the envelope in which they return their marked absentee ballot. The bill retains the requirement that the statement contain the voter's full name (last, first, and middle).

Patron - Barker

SB690 Voter registration drives; payment or receipt of compensation; penalty. Provides that voter registration drives, defined as a coordinated effort by two or more individuals to provide assistance to 1,000 or more members of the general public in completing and submitting voter applications, must register with the State Board of Elections and fulfill the training requirements established by the State Board. The State Board shall maintain a list of all voter registration drives that have been registered and shall post this list on its website. The bill also provides that a person assisting an applicant with the completion and return of a voter registration application shall not disclose or copy the day and month of the applicant's birth, except as authorized by law. The bill also makes it a Class 1 misdemeanor to influence a person to register to vote by bribery or force and makes it a Class 1 misdemeanor to pay or receive compensation on a fee-per-signature basis or on a basis related to the number of signatures obtained for circulating election-related petitions or completing and submitting voter registration applications.

Patron - Obenshain

SB732 Elections; acquisition of voting equipment by localities. 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.

Patron - Whipple

Carried Over

HB59 General registrar; qualifications. Allows an electoral board to appoint a general registrar who is a qualified voter of a county or city adjoining jurisdiction for which he is appointed. This bill incorporates HB 772.

Patron - Putney

HB743 Elections; ballot security. Prohibits any person from reproducing or copying a ballot that has been cast in an election, except in response to a court order explicitly requiring otherwise.

Patron - Cleaveland

HB1057 Elections; qualifications of candidates. Directs the State Board of Elections or the general registrar, as appropriate, to evaluate whether a person meets the residency requirements to qualify as a candidate and entitle him to have his name printed on the ballot in a general, primary, or special election. In determining residency, the Board or general registrar may consider the applicant's driver's license, motor vehicle registration, and the state and locality to which income and personal property taxes are filed as prima facie evidence of domicile. The State Board, in accepting or failing to accept the qualification of any candidate for election to statewide office, the United States House of Representatives, or the General Assembly shall be considered a case decision and subject to the Administrative Process Act. Any proposed candidate whose statement of qualification was not accepted, or the opponent of a candidate whose statement of qualification was accepted, shall have standing to challenge the action of the State Board in such instance.

Patron - Armstrong

SB119 Campaign finance; contribution limits. Imposes limits on contributions to candidates for Governor, Lieutenant Governor, Attorney General, and the General Assembly. The limits are \$20,000 per general or special election and \$10,000 per primary election for contributions by persons and \$50,000 and \$25,000, respectively, for political action committees. However, if contributions are made by a person or political action committee for a primary, then that person or committee is limited to contributions of \$10,000 and \$25,000, respectively, for the general or special election. There are no limits on contributions by political party committees or by a candidate to his own campaign. Civil penalties for violations of the limits may equal up to two times the excess contribution amounts.

Patron - Petersen

SB505 Political parties to determine method of nominating candidates. Provides that only political parties may determine the method by which it nominates candidates for office and eliminates exceptions that allowed incumbents in certain cases to determine the method of nomination.

Patron - Smith

SB624 State Board of Elections; voter lists. Rewrites the provisions stating who may obtain the lists of registered voters and lists of persons who voted in elections. Adds non-profit organizations that promote voter participation and registration to the persons who may obtain the lists of persons voting at primaries and elections.

Patron - Howell

Eminent Domain

Passed

HB81 Compensation of condemnation jurors. Equalizes the pay of jurors in condemnation cases with that of regular jurors. Currently, regular jurors are paid \$30 per day once summoned and appearing for jury duty, and condemnation jurors are paid \$60 per day only if they are empanelled on

the jury. This bill would pay each juror \$30 per day for being summoned and appearing, whether for regular jury service or for service as a condemnation juror.

Patron - Knight

HB651 Use of commissioners in eminent domain cases. Reinstates the option of the landowner to choose between commissioners and juries to hear an eminent domain case. The option to choose commissioners was eliminated by Chapter 586 of the 2006 Acts of Assembly. The provisions of this bill apply only to actions filed on or after July 1, 2010.

Patron - Armstrong

HB997 Eminent domain; application to Norfolk. Extends the expiration date, from June 30, 2010, to December 31, 2010, for the exemption to requirements applicable to the exercise of the power of eminent domain by the City of Norfolk or the Norfolk Redevelopment and Housing Authority. The exemption was created in the 2007 legislation that, among other things, established limitations on what constituted a public use for which private property could be acquired by exercise of the power of eminent domain.

Patron - Howell, A.T.

Failed

HB652 Eminent domain; just compensation; restricted access. Provides that any restriction, change, or loss of access to or from property taken under the power of eminent domain shall be considered as an element in assessing the damages to the residue for the purposes of determining just compensation. The bill states that an emergency exists and that the bill is effective upon passage.

Patron - Armstrong

Fiduciaries Generally

Passed

HB56 Testamentary trustees; relief of duty to file an inventory or annual accounts. Provides that any trustee under a will of a decedent probated on or after July 1, 2010, shall be relieved of the duty to file an inventory or annual accounts with the commissioner of accounts if the will does not direct the filing of such inventory or accounts and the trustee (i) obtains the written consent of all adult beneficiaries and the consent of all incapacitated beneficiaries, other than the trustee, to whom income or principal of the trust could be currently distributed, after providing those beneficiaries or, in the case of incapacitated beneficiaries, their representatives with certain documents and information; and (ii) files those consents with the commissioner on or before the date on which the inventory or next required accounting would otherwise be due. The commissioner of accounts shall be allowed a fee of \$25 for receiving and filing such consents. The bill also provides form language that may be included in a will that would require the trustee to file annual account. This bill is identical to SB 43.

Patron - Cole

HB719 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 UPOAA 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 reli-

ance, limitations of agent's powers, refusal to recognize, judicial review, notification of resignation, and other matters. The UPOAA contains an optional statutory form that may be used by an agent to certify facts concerning a power of attorney. This bill is identical to SB 159.

Patron - Peace

SB43 Testamentary trustees; relief of duty to file an inventory or annual accounts. Provides that any trustee under a will of a decedent probated on or after July 1, 2010, shall be relieved of the duty to file an inventory or annual accounts with the commissioner of accounts if the will does not direct the filing of such inventory or accounts and the trustee (i) obtains the written consent of all adult beneficiaries and the consent of all incapacitated beneficiaries, other than the trustee, to whom income or principal of the trust could be currently distributed, after providing those beneficiaries or, in the case of incapacitated beneficiaries, their representatives with certain documents and information; and (ii) files those consents with the commissioner on or before the date on which the inventory or next required accounting would otherwise be due. The commissioner of accounts shall be allowed a fee of \$25 for receiving and filing such consents. The bill also provides form language that may be included in a will that would require the trustee to file annual account. This bill is identical to HB 56.

Patron - Stuart

SB159 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 UPOAA 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 UPOAA contains an optional statutory form that may be used by an agent to certify facts concerning a power of attorney. This bill is identical to HB 719. This bill incorporates SB 204.

Patron - Edwards

Failed

HB664 Commissioner of accounts; prohibiting General Assembly members from serving. Prohibits any attorney who is a member of the General Assembly or any attorney who is an employee or member of the same law firm or corporate law department as the General Assembly member from being appointed or serving as a commissioner of accounts.

Patron - Gear

SB204 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 UPOAA 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 UPOAA contains an optional statutory form that may be used by an agent to certify facts concerning a power of attorney. This bill was incorporated into SB 159.

Patron - Blevins

Fire Protection

Passed

HB290 Fire programs; donated equipment; liability. Provides that any fire/EMS department of a city, town, or county, or any fire/EMS company donating equipment for fighting fires or performing emergency medical services to any fire/EMS department or any fire/EMS company, which equipment met existing engineering and safety standards at the time of its purchase by the donating entity, shall be immune from civil liability unless the organization acted with gross negligence or willful misconduct.

Patron - Griffith

HB1162 Statewide Fire Prevention Code; State Fire Marshal; regulation of pyrotechnicians and fireworks operators. Provides for the State Fire Marshal to establish a certification program for pyrotechnician or fireworks operator to design, setup, conduct or supervise the design, setup or conducting of any fireworks display, either inside a building or outdoors. The bill also (i) adds a definition of fireworks operator or pyrotechnician, (ii) requires that at least one person holding a valid certification is present at the site where the fireworks display is being conducted, (iii) provides clarifies that the certification requirement does not apply to the use or display of permissible fireworks or in connection with any fireworks display conducted by a volunteer fire department provided one member of the volunteer fire department holds a valid certification. The bill is identical to SB 8.

Patron - Cosgrove

SB8 Statewide Fire Prevention Code; State Fire Marshal; regulation of pyrotechnicians and fireworks operators. Provides for the State Fire Marshal to establish a certification program for pyrotechnician or fireworks operator to design, setup, conduct or supervise the design, setup or conducting of any fireworks display, either inside a building or outdoors. The bill also (i) adds a definition of fireworks operator or pyrotechnician, (ii) requires that at least one person holding a valid certification is present at the site where the fireworks display is being conducted, (iii) provides clarifies that the certification requirement does not apply to the use or display of permissible fireworks or in connection with any fireworks display conducted by a volunteer fire department provided one member of the volunteer fire department holds a valid certification. The bill is identical to HB 1162.

Patron - Blevins

Failed

HB1160 Statewide Fire Prevention Code; administration and enforcement; fees. Moves authority to set fees to cover the actual cost of administering and enforcing the Statewide Fire Prevention Code from the Board of Housing and Community Development to the Virginia Fire Services Board. The bill also provides that the fee increases may not occur more than once in any given fiscal year.

Patron - Cosgrove

Carried Over

SB685 Statewide Fire Prevention Code; use of fireworks on residential property. Limits the exception from application of the Statewide Fire Prevention Code to the use of permissible fireworks on residential property. The current

exception applies to the sale or use of permissible fireworks on private property.

Patron - Martin

Fisheries and Habitat of the Tidal Waters

Passed

HB138 Aquaculture opportunity zones. Requires the Marine Resources Commission to establish by regulation aquaculture opportunity zones off the shores of the Northern Neck, Middle Peninsula, and Tangier Island for the propagation of commercial shellfish. The regulations are to establish the location of the zones, the procedures for maintaining zones, and penalties for violating the regulations. The Commission may set a single fee for the application and use of the zones.

Patron - Pollard

HB142 Menhaden harvest cap. Continues the annual menhaden harvest quota of 109,020 metric tons for the Virginia portion of the Chesapeake Bay until January 1, 2014, three years beyond the original sunset date. Fisheries receive a credit to be applied in the following year if the actual harvest does not meet the harvest quota and a deduction if the actual harvest exceeds the harvest quota. This bill is identical to SB 47.

Patron - Pollard

HB296 Water safety zones. Authorizes marine patrol divisions of police departments in Tidewater localities and conservation police officers of the Department of Game and Inland Fisheries to patrol those tidal waters that have been designated as federal safety zones and federal restricted areas. This bill is identical to SB 398.

Patron - Cosgrove

HB373 Hunting, trapping, and fishing; penalties. Clarifies that courts may revoke licenses and privileges to hunt, trap, and fish upon the conviction of violations of laws and regulations related to those activities.

Patron - Shuler

HB1291 Fisheries; nonresident harvester's license. Prohibits the Marine Resources Commission from selling a commercial fishing license to a nonresident whose state of residence does not offer for sale the same or similar license to a resident of the Commonwealth. This bill is similar to SB 192.

Patron - Lewis

SB47 Menhaden harvest cap. Continues the annual menhaden harvest quota of 109,020 metric tons for the Virginia portion of the Chesapeake Bay until January 1, 2014, three years beyond the original sunset date. Fisheries receive a credit to be applied in the following year if the actual harvest does not meet the harvest quota and a deduction if the actual harvest exceeds the harvest quota. This bill is identical to HB 142.

Patron - Stuart

SB192 Fisheries; nonresident harvester's license. Prohibits the Marine Resources Commission from selling a commercial fishing license to a nonresident whose state of residence does not offer for sale the same or comparable license to a resident of the Commonwealth.

Patron - Northam

SB398 Water safety zones. Authorizes marine patrol divisions of police departments in Tidewater localities and conservation police officers of the Department of Game and Inland Fisheries to patrol those tidal waters that have been designated as federal safety zones and federal restricted areas. This bill is identical to HB 296.

Patron - Wagner

SB668 Saltwater recreational fishing; conformance with national registry. Directs the Virginia Marine Resources Commission to establish the Fisherman Identification Program, which is to be consistent with the National Saltwater Angler Registry Program. In order to pay for the program, a one-time fee increase of not more than \$10 will be placed on the saltwater recreational boat license. Those persons who purchase a saltwater fishing license are not required to register with the program.

Patron - Northam

SB726 Ballast Water Control Report. Changes name from Hampton Roads Maritime Association to Virginia Maritime Association.

Patron - Blevins

Failed

HB194 Filled subaqueous land. Requires the person who purchases filled state-owned subaqueous lands to pay the cost of preparing and recording the transfer documents. Currently, a person to whom filled subaqueous lands owned by the state is being conveyed has to pay 25 percent of the assessed value of the parcel.

Patron - Cosgrove

HB294 Menhaden fishery. Directs the Virginia Marine Resources Commission to adopt regulations to implement the Interstate Fishery Management Plan for Atlantic Menhaden. The bill also requires that any moratorium on the fishery be subject to legislative review and repeals the Governor's authority to implement menhaden management measures by proclamation.

Patron - Cosgrove

HB1029 Special species fishing license. Requires the Board of Game and Inland Fisheries and the Marine Resources Commission to establish a special fishing license to catch or take those species of fish that are a threat to the viability of other fisheries, or may have a significant ecological or economic impact.

Patron - Pollard

SB185 Menhaden fishery. Directs the Virginia Marine Resources Commission to adopt regulations to implement the Interstate Fishery Management Plan for Atlantic Menhaden. The bill also requires that any moratorium on the fishery be subject to legislative review and repeals the Governor's authority to implement menhaden management measures by proclamation.

Patron - Northam

SB202 Marine Resources Commission; state-owned bottomlands; fees. Authorizes the Marine Resources Commission to require nonrefundable application and permit fees for the use of state-owned bottomlands. Existing permit fees for use of state-owned bottomlands are increased to \$100 for projects less than \$10,000; \$200 for projects greater than \$10,000; and \$500 for projects greater than \$50,000.

Patron - Blevins

SB447 Shellfish sanitation; inspections; fees; penalty. Requires any person who operates an establishment for the processing of crabmeat or shellfish to have a permit from the State Health Commissioner. Permit fees shall be paid into a fund that supports the shellfish sanitation program.

Patron - Quayle

Carried Over

HB1163 Bottomlands rents and royalties. Removes the authority of the Virginia Marine Resources Commission to charge a rent or royalty as a term or condition of a permit for use of state-owned bottomlands. The only royalty that may be assessed is the one established by statute for the removal of bottom material.

Patron - Cosgrove

HB1268 Recreational gill net license. Establishes a new recreational gear license for owners of piers who want to affix a staked gill net to their pier. The gill net cannot exceed 300 feet. The cost of the license is \$25.

Patron - Gear

Game, Inland Fisheries and Boating

Passed

HB128 Special fishing license. Authorizes the Department of Game and Inland Fisheries to issue free fishing licenses to disabled, active duty military personnel who are receiving inpatient or outpatient medical treatment from a veterans or military hospital in Virginia, an adjoining state, or the District of Columbia. There is no cost for the license, and it is valid for one year.

Patron - Cox, M.K.

HB131 Hunters For The Hungry. Directs the Department of Game and Inland Fisheries to include in any application form for obtaining a hunting license or permit language allowing hunters to donate at least \$2 to Hunters For The Hungry. Currently, the level of voluntary contribution in the permit application is set at \$2.

Patron - Pollard

HB399 Bear, deer, and wildlife kill permits. Requires any person who kills a bear, deer, or other wildlife pursuant to a kill permit issued by the Director of the Department of Game and Inland Fisheries to utilize the animal only for human consumption. Such practices as mounting or displaying the carcass in some other manner are prohibited. In addition, if the animal is not going to be consumed, it must be disposed of within 24 hours.

Patron - Lohr

HB486 Impeding hunting. Makes it a Class 3 misdemeanor for any person to knowingly and intentionally facilitate or attempt to cause a violation of the baiting law by putting out bait or salt in a place used or occupied by hunters.

Patron - Lingamfelter

HB487 Board of Game and Inland Fisheries; regulatory authority. Expands the authority of the Board of Game and Inland Fisheries to adopt regulations on the feeding of any game, game animals, or fur-bearing animals. Currently, the

Board has the authority to adopt regulations pertaining to the hunting, taking, capture, killing, possession, sale, purchase, and transportation of any wild bird, wild animal, or inland water fish.

Patron - Lingamfelter

PHB488 Model bow hunting ordinance; penalty. Directs the Board of Game and Inland Fisheries to develop model bow hunting ordinances for those counties and cities where the deer population is overabundant, resulting in conflicts between humans and deer. The ordinances are to include the times of day in which such hunting can occur and limits on how many deer can be killed. The localities adopting one of the model ordinances may impose a Class 3 misdemeanor on those persons violating the ordinance.

Patron - Lingamfelter

PHB801 License to fish; South Holston Reservoir. Adds a license for state residents to fish and to harvest trout in the interstate waters of South Holston Reservoir.

Patron - Johnson

PHB940 Department of Forestry; hunting and trapping violations. Reduces the penalty for violations of hunting and trapping laws or regulations administered by the State Forester. Currently such a violation is punishable as a Class 1 misdemeanor and could include confinement in jail for not more than 12 months and a fine of not more than \$2,500. Under the new provision, a violation would be punishable as a Class 3 misdemeanor and would include only the possibility of a fine of not more than \$500.

Patron - Abbitt

PHB1218 Waterfowl blinds; licenses. Shifts the times to obtain waterfowl blind licenses to earlier in the year and distinguishes between nonriparian licenses for stationary blinds that have or have not been licensed the previous year. The provisions of the bill will become effective on January 1, 2011.

Patron - Pollard

PHB1283 Possession of shed antlers. Allows a person to possess shed deer antlers.

Patron - Edmunds

SB243 Fishing license exemption. Exempts active duty military personnel who are residents and on leave from having to obtain a basic fishing license so long as they can show proof that they are on leave. Such an exemption does not extend to such persons to fish in waters stocked with trout.

Patron - Watkins

SB289 Infant lifetime hunting and fishing licenses. Establishes lifetime hunting and fishing licenses for residents and nonresidents who are younger than two years of age. The cost for infant lifetime licenses for hunting and fishing is \$125 each for residents and \$250 each for nonresidents. The original license remains valid even if the licensee changes his place of residency.

Patron - Deeds

SB546 Landowner liability arising from recreational activities; railroad rights-of-way. Ensures that railroad rights-of-way may be used for recreational purposes and for access to lands being used for recreational purposes without the easement holder owing a duty of care to the user. This exemption from civil liability already exists for landowners, but does not explicitly include railroad rights-of-way. The exemption does not apply if the landowner charges a fee for the use of the lands and does not include gross negligence or will-

ful or malicious failure to guard or warn against a dangerous condition.

Patron - Edwards

Failed

HB74 Boating safety education course. Exempts persons from having to take a boating safety course, if they have in the past possessed a valid operator's license issued by the U.S. Coast Guard.

Patron - Carrico

HB168 Personal flotation devices required for children; civil penalty. Requires children 12 years of age or younger to wear a Type I, II, III, or V U.S. Coast Guard-approved personal flotation device (life jackets) on recreational vessels. This requirement applies only in those waters where there is concurrent state and federal jurisdiction. 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 \$100. 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 enactment of the bill is delayed until January 1, 2011.

Patron - Pogge

HB544 Free hunting license; active duty military service. Authorizes the Department of Game and Inland Fisheries to issue a state resident basic hunting license at no cost to residents who are on active military service.

Patron - Marshall, D.W.

HB578 Trapping of rabbits. Clarifies that a person can use a box trap to trap a rabbit and transport it for release or restocking purposes onto another property within Virginia.

Patron - Cole

HB802 Antique motorboats. Establishes a special one-time \$100 registration fee for antique motorboats. These are vessels that are essentially as originally constructed, are used for noncommercial purposes, and are at least 30 years old. The registration has to be renewed every three years but at no additional costs. Instead of having identification numbers painted on the bow of the motorboat, the owner will be given a plaque by the Department of Game and Inland Fisheries that contains the identification number and language designating the vessel as an antique motorboat, to place on the bow.

Patron - Poindexter

HB1181 Special hunting license for permanently disabled. Establishes a special lifetime license for permanently disabled persons to hunt in all counties and cities of the Commonwealth, and to hunt (i) bear, deer and turkey, (ii) with a bow and arrow during the special archery seasons, (iii) with a crossbow during special archery seasons, and (iv) with a muzzleloader during the special muzzleloading seasons. The cost of the license is \$100.

Patron - Phillips

SB40 Duty of care; flying fields and landing areas. Exempts owners of privately owned flying fields and landing areas used for operating aircraft or ultralight vehicles from any duty of care to keep the premises safe for entry or use by others if the landowner does not charge a fee to use his property.

Patron - Stuart

FSB93 Personal flotation devices required for children; civil penalty. Requires children 12 years of age or younger to wear a Type I, II, III, or V U.S. Coast Guard-approved personal flotation device (life jackets) on recreational vessels. This requirement applies only in those waters where there is concurrent state and federal jurisdiction. 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 \$100. 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 enactment of the bill is delayed until January 1, 2011.

Patron - Quayle

FSB217 Local boat and watercraft registration fees. Permits a locality, beginning January 1, 2011, to impose by ordinance a registration fee on recreational boats or watercraft. The registration fee may not be imposed any more frequently than every three years. Any tangible personal property tax imposed on motorboat will be credited against the registration fee. For purposes of the amount of the fee (i) privately owned pleasure motorboats (a) under 18 feet and weighing less than five tons and (b) used for recreational purposes only, (ii) all other privately owned pleasure motorboats under 18 feet and weighing less than five tons, (iii) motorboats 18 feet or over and weighing less than five tons, and (iv) motorboats weighing five tons or more shall be separate classifications of property. The local ordinance may require decals be displayed on the motorboats indicating the last month and year the registration is valid.

Patron - Locke

FSB500 Hunting and fishing licenses; active military. Allows any active member of the military to obtain a resident license to hunt, trap, or fish in the Commonwealth.

Patron - Hurt

FSB575 Endangered and threatened species. Authorizes the Board of Game and Inland Fisheries to adopt regulations that allows the (i) taking, possession, exportation, transportation, or release of animals occurring in experimental populations as designated in conservation plans developed by the Department of Game and Inland Fisheries; and (ii) incidental taking of certain endangered or threatened species of fish and wildlife so long as the project enhances the long-term survival of the species and the taking is at a minimum level. The bill exempts the incidental taking of animals from designated experimental populations from the currently authorized prohibitions and penalties. Currently, the Board may only permit the taking, transportation, exportation or possession of any endangered or threatened species of fish or wildlife for zoological, educational, scientific, or preservation purposes.

Patron - Ticer

Carried Over

CHB795 Dams and fishways. Exempts Harvell Dam in Petersburg from fish passageway requirements.

Patron - Dance

General Assembly

Passed

P HB42 Transportation programs; performance audit by Joint Legislative Audit and Review Commission (JLARC). Requires JLARC to administer a performance audit of the Commonwealth's transportation programs. JLARC shall issue an RFP to initiate the procurement process for a management consulting firm to conduct the audit. A final report on the findings of the performance audit shall be submitted to the Joint Commission on Transportation Accountability and the Governor no later than December 31, 2010. This bill is identical to SB 201.

Patron - Oder

P HB199 MEI Project Approval Commission; work of the Commission. Expands the scope of incentive packages to be reviewed by the MEI Project Approval Commission by eliminating the limitation that the Commission may only review incentive packages for MEI projects that are proposed to be funded by bonds of the Virginia Public Building Authority and by providing for the Commission to review incentive packages (including but not limited to incentive packages for MEI projects) for which (i) one or more of the incentives in the incentive package is not authorized under current law or (ii) an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package. A Major Employment and Investment project is defined under current law as a regional economic development project in which a private entity is expected to make a capital investment exceeding \$250 million in the Commonwealth and to create more than 400 new full-time jobs. As part of its review, the Commission may endorse certain incentive packages for approval by the General Assembly.

Patron - Cox, M.K.

P HB428 Bills required to be introduced by first day of a session. Repeals the provisions requiring the following types of bills to be filed no later than the first day of a legislative session: charter, claims, optional county form of government, corrections impact, local fiscal impact, sales tax exemption, and Virginia Retirement System.

Patron - Griffith

P HB589 Virginia Code Commission. Expands the Commission membership by one or two optional nonlegislative citizens, as may be recommended by the Commission. Those members must have demonstrated legal knowledge in the codification of session laws and the recodification of statutes. Both are to receive the same compensation and privileges as other members of the Commission.

Patron - Landes

P HB655 General Assembly Conflicts of Interests Act; House and Senate Ethics Advisory Panels. Opens ethics inquiries to the public after a preliminary investigation. During the preliminary investigation, the Panel will require that (i) the facts stated in the complaint taken to be true are sufficient to show a violation of the Conflicts of Interests Act, (ii) the complainant to appear and testify under oath as to the complaint and the allegations, and (iii) such violation has occurred by a preponderance of the evidence. Once the Panel determines to proceed with an inquiry into the conduct of any legislator, the Panel shall complete its investigations notwithstanding the resignation of the legislator during the course of the Panel's

proceedings. This bill incorporates HB 644, HB 657 and HB 814.

Patron - Armstrong

HB740 General Assembly Conflicts of Interests Act; disclosure of salary. Requires a member of the General Assembly to disclose in his annual disclosure of personal interests any salary and wages in excess of \$10,000 paid to him or his immediate family for employment with a state or local government or advisory agency, except for his salary received as a member of the General Assembly. This bill incorporates HB 321.

Patron - Janis

HB933 General Assembly Conflicts of Interests Act; disposition of cases. Provides that if the Senate or House Ethics Advisory Panel refers a case to the member's respective house based on the conclusion that the member has violated § 30-108 (failing to disqualify himself from taking part in an official action of the General Assembly on a matter in which he has a personal interest) or subsection C of § 30-110 (failing to disclose such personal interest), and the respective house determines that such a violation was made knowingly, the house shall refer the matter to the Attorney General for possible prosecution. Currently, the house may refer the matter to the Attorney General, but is not required to do so.

Patron - Bell, Robert B.

HB1227 Brown v. Board of Education Scholarship Program. Provides that scholarships awarded through the Brown v. Board of Education Scholarship Program may be used to cover the costs of professional degree programs and mandatory fees. This bill also clarifies that awards may be granted for part-time or full-time attendance in approved education programs for no more than the minimum number of credit hours required to complete the program requirements. The bill makes certain clarifying technical amendments to facilitate the Committee's work. This bill is a recommendation of the Brown v. Board of Education Scholarship Awards Committee.

Patron - Dance

SB101 Public-Private Partnership Advisory Commission. Provides that the Division of Legislative Services shall provide legal and research services to the Public-Private Partnership Advisory Commission with technical assistance being provided by the staffs of the House Committee on Appropriations, the Senate Finance Committee, and the Auditor of Public Accounts. The bill also clarifies that responsible public entities required to submit copies of detailed proposals under the Public-Private Education Facilities and Infrastructure Act must submit the copies to the chairman of the Commission.

Patron - Stosch

SB184 MEI Project Approval Commission; work of the Commission. Expands the scope of incentive packages to be reviewed by the MEI Project Approval Commission by eliminating the limitation that the Commission may only review incentive packages for MEI projects that are proposed to be funded by bonds of the Virginia Public Building Authority and by providing for the Commission to review incentive packages for which (i) one or more of the incentives in the incentive package is not authorized under current law or (ii) an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package. A Major Employment and Investment project is defined under current law as a regional economic development project in which a private entity is expected to make a capital investment exceeding \$250 million in the Com-

monwealth and to create more than 400 new full-time jobs. As part of its review, the Commission may endorse certain incentive packages for MEI projects for approval by the General Assembly.

Patron - Colgan

SB201 Auditor of Public Accounts. Requires the Joint Legislative Audit and Review Commission to issue a request for proposals for a management consulting firm to conduct a performance audit of the Commonwealth's transportation programs. This bill is identical to HB 42.

Patron - Blevins

SB350 Virginia Commission on the Centennial of Woodrow Wilson's Presidency. Establishes in the legislative branch of state government a commission charged with planning, developing, and implementing statewide appropriate programs and activities to commemorate the centennial of Woodrow Wilson's election and presidency from 1912 to 1921. The Commission will be composed of 11 members consisting of legislative and nonlegislative citizen members, and is authorized to appoint an advisory council to assist it with its work. The Advisory Council will be composed of persons who have knowledge and expertise concerning the life, scholarship, elections, and presidency of Woodrow Wilson, and the historical significance of his presidency on the American presidency, scholarship, international and domestic relations, and political and social systems. Members of the Advisory Council must be residents of Virginia and must agree to serve in a voluntary capacity without compensation or reimbursement. The work of the Commission shall not commence until private funding is secured. The Commission will expire on July 1, 2014.

Patron - Hanger

SB431 State Government Spending Accountability Act. Directs the Auditor of Public Accounts to include on a searchable database a register of all funds expended for major agencies of the Commonwealth. In regard to the registry, the database would include the vendor name, date of payment, and a description of the expense, including also credit card purchases with the same information. The bill also requires the Auditor of Public Accounts to conduct a review of searchable databases used by other states and incorporate best practices for ease of use and transparency of state agency expenditures.

Patron - Herring

SB512 General Assembly Conflicts of Interests Act; disclosure of salary paid by government. Requires a member of the General Assembly to disclose in his annual disclosure of personal interests any salary and wages in excess of \$10,000 paid to him or his immediate family for employment with a state or local government or advisory agency. This bill incorporates SB 4 and SB 14.

Patron - Norment

SB516 Commission on Electric Utility Regulation. Extends the Commission on Electric Utility Regulation until July 1, 2012. Under current law, the Commission would expire on July 1, 2010.

Patron - Norment

Failed

HB62 General Assembly; Budget Bill(s). Requires the Chairman of the House Appropriations Committee and the Chairman of the Senate Finance Committee to issue reports concurrently with the budget conference report that specifically identify (i) any nonstate appropriation, (ii) any item in the conference report that was not included in the Budget Bill(s) as

passed by either the House or the Senate, and (iii) any item that represents legislation that failed in either house during the regular or a special session.

Patron - Toscano

HB321 General Assembly Conflicts of Interests Act; disclosure of government employment. Requires a member of the General Assembly to disclose any wages or salary paid to him or an immediate member of his family, regardless of the amount, by a state or local government or advisory agency employer. The member must also disclose the nature of his employment duties with such employer. This bill has been incorporated into HB 740.

Patron - Plum

HB328 General Assembly Conflicts of Interests Act; disclosure database. Provides that the Clerks of the House and Senate shall each establish a searchable electronic database, available to the public through the Internet, containing the information from the disclosure of personal interests statements filed by legislators, legislators-elect, and candidates for the General Assembly.

Patron - Plum

HB330 General Assembly Conflicts of Interests Act; jurisdiction of House and Senate Ethics Advisory Panels. Expands the jurisdiction of the House Ethics Advisory Panel to include a member's current term and the immediately preceding five years rather than the preceding two-year term in office. This bill has been incorporated into HB 617.

Patron - Plum

HB344 Efficiency in Government Advisory Councils. Establishes an Efficiency in Government Advisory Council for each secretariat of state government to review the operations of the agencies within the assigned secretariat for the purposes of identifying efficiencies and determining specific operational areas where savings may be realized. Under the bill, all recommendations that result in identifiable monetary savings among agencies within the assigned secretariat shall be presented in the form of a bill or budget amendment. Savings resulting from implementation of the recommendations will go to the Transportation Efficiency Fund to be used to (i) supplement transportation projects that are aimed at reducing congestion, increasing the efficiency of mass transit, or reducing harmful emissions associated with vehicle traffic and (ii) facilitate economic development associated with transportation projects.

Patron - Marshall, R.G.

HB400 Virginia Commission on the Centennial of Woodrow Wilson's Presidency. Establishes in the legislative branch of state government a commission charged with planning, developing, and implementing statewide appropriate programs and activities to commemorate the centennial of Woodrow Wilson's election and presidency from 1912 to 1921. The Commission will be composed of 11 members consisting of legislative and nonlegislative citizen members, and is authorized to appoint an advisory council to assist it with its work. The Advisory Council will be composed of persons who have knowledge and expertise concerning the life, scholarship, elections, and presidency of Woodrow Wilson and the historical significance of his presidency on the American presidency, scholarship, international and domestic relations, and political and social systems. Members of the Advisory Council must be residents of Virginia and must agree to serve in a voluntary capacity without compensation or reimbursement. The Commission must submit an executive summary of its work and

findings to the Governor and General Assembly annually. The Commission will expire on July 1, 2014.

Patron - Bell, Richard P.

HB617 House and Senate Ethics Advisory Panels; proceedings. Provides that once the House or Senate Ethics Advisory Panel has initiated an investigation into the conduct of a legislator, it must complete its inquiry, report its findings, and dispose of the matter as provided by law, notwithstanding the resignation of the legislator from the General Assembly, or the completion of such legislator's term, during the course of the Panel's work. This bill incorporates HB 330, HB 643, and HB 816.

Patron - Lohr

HB642 General Assembly; allowance for office expenses and supplies. Provides that payments to a member for office expenses and supplies may be made only upon the member's submission of a voucher for the expenses. This bill also provides that five percent of the accounts for office expenses and supplies will be audited at random each year, and that the allowance for office expenses and supplies will not be counted toward retirement.

Patron - Armstrong

HB643 General Assembly Conflicts of Interests Act; former members. Provides that once the House or Senate Ethics Advisory Panel has initiated an investigation into the conduct of a legislator, it must complete its inquiry, report its findings, and dispose of the matter as provided by law, notwithstanding the death or resignation of the legislator during the course of the Panel's work. This bill has been incorporated into HB 617.

Patron - Armstrong

HB644 General Assembly Conflicts of Interests Act; knowing violations. Clarifies that a member of the General Assembly commits a knowing violation of the Act if he should have known that his conduct violated the provisions of the Act. This bill has been incorporated into HB 655.

Patron - Armstrong

HB657 General Assembly Conflicts of Interests Act; establishment of a General Assembly Ethics Review Panel. Establishes one five-member Review Panel in place of the present separate House and Senate Ethics Advisory Panels. The Panel will investigate complaints of violations of the GACOIA, and its proceedings following its preliminary investigation will be public. This bill has been incorporated into HB 655.

Patron - Armstrong

HB813 General Assembly Conflicts of Interests Act; review of Statement of Economic Interests by Ethics Advisory Panel. Requires the Ethics Advisory Panel for each house to review the Statement of Economic Interests filed by each member for its respective house on an annual basis. If the Statement is found to be inadequate, the Panel shall notify the Committee on Privileges and Elections for the appropriate house.

Patron - Abbott

HB814 General Assembly Conflicts of Interests Act; establishment of a General Assembly Ethics Review Panel. Establishes one five-member Review Panel in place of the present separate House and Senate Ethics Advisory Panels. The Panel will investigate complaints of violations of the GACOIA, and its proceedings shall be public. This bill has been incorporated into HB 655.

Patron - Abbott

HB815 Gifts to General Assembly members; bright-line rule. Provides that no member of the General Assembly may accept gifts from any business, government, or person, other than a relative, where the total amount of the gifts exceeds \$100.

Patron - Abbott

HB816 General Assembly Conflicts of Interests Act; former members. Provides that once the House or Senate Ethics Advisory Panel has initiated an investigation into the conduct of a legislator, it must complete its inquiry, report its findings, and dispose of the matter as provided by law, notwithstanding the death or resignation of the legislator during the course of the Panel's work. This bill has been incorporated into HB 617.

Patron - Abbott

HB1023 Telecommuting; employees of agencies within the legislative branch of state government. Requires the head of each agency within the legislative branch of state government to adopt a telecommuting and alternative work schedule policy for eligible employees. The policy shall authorize voluntary participation in telecommuting and alternative work schedule programs for up to eight days per month, provided such participation does not diminish employee performance or service delivery. The head of each legislative agency may authorize participation for more than eight days per month. No policy adopted pursuant to this Act shall authorize participation in either program during any session or special session of the General Assembly. The Capitol Police are exempt from the requirements of this Act.

Patron - Hugo

HB1053 Staffing for certain legislative study commissions. Provides that staffing support for the Virginia State Crime Commission, the Joint Commission on Health Care, the Virginia Commission on Youth, and the Virginia Housing Commission will be provided by the Division of Legislative Services and Clerks Offices of the General Assembly.

Patron - Armstrong

HB1157 General Assembly; office allowances. Changes the nonvouchered office expense allowance arrangement for members of the General Assembly to an accountable plan within the meaning of the Internal Revenue Code regulations. Beginning January 11, 2012, members will be required to substantiate their business expenditures on a quarterly basis and return any amount in excess of the substantiated expenses. The bill also provides a separate office equipment allowance not to exceed \$2,000 during a two-year period. Members will be required to submit a voucher and accompanying receipts prior to receiving payment for equipment expenses. The Clerk of the House of Delegates and the Clerk of the Senate, under the direction of their respective Rules Committee, are required to establish policies in their houses regarding the transfer of office equipment purchased with the allowance to the Commonwealth when the equipment falls into disuse or the member leaves office. The Clerks must submit by January 1, 2011, the policies and forms needed to implement the bill to their respective Rules Committees for approval.

Patron - Brink

HB1200 Virginia Slave Commission. Establishes the Virginia Slave Commission in the legislative branch of state government for the purpose of addressing political, economic, educational, and societal issues and public policies whose roots lie in the transatlantic slave trade. The Commission, among other things, must (i) identify the vestiges and assess the effects of the transatlantic slave trade on African

Americans, the Commonwealth, and modern societal problems and public policies, (ii) explore and showcase the contributions of African Americans in building Virginia and the nation, (iii) determine the educational and economic value to the Commonwealth of preserving sites and facilities of historic and archaeological significance to African American culture and contributions, and (iv) recommend feasible and appropriate options to resolve lingering societal problems whose roots lie in slavery.

Patron - McQuinn

HB1215 General Assembly Conflicts of Interests Act; penalties. Makes it a Class 6 felony to knowingly violate § 30-103, which lists 11 categories of prohibited conduct for General Assembly members, if the violation involves a monetary value of more than \$250. Current law makes a knowing violation of the Act a Class 1 misdemeanor.

Patron - Lohr

HB1386 Constitutional amendments; information provided to voters. Provides that the State Board of Elections will make information about pending constitutional amendments available on its website rather than by publishing it at length in newspapers.

Patron - Cole

HHR2 Posting recorded votes to the legislative information system. Directs the Clerk of the House of Delegates to post recorded committee and floor votes of the members of the House to the electronic legislative information system, beginning with the 2011 Regular Session of the General Assembly. The Clerk of the House must submit an executive summary and report of his progress in meeting the directive of this resolution to the 2012 Regular Session of the General Assembly.

Patron - LeMunyon

SB4 General Assembly Conflicts of Interests Act; disclosure of salary paid by government. Requires a member of the General Assembly to disclose in his annual disclosure of personal interests any salary and wages in excess of \$10,000 paid to him or his immediate family for employment with a state or local government or advisory agency. This bill was incorporated into SB 512.

Patron - Smith

SB5 General Assembly; consideration of certain documents related to the Budget. Provides that no legislative action may be taken on (i) committee amendments to the budget, (ii) any conference committee report on the budget, and (iii) any Governor's recommendations on the budget until each has been posted on the General Assembly's website for at least 72 hours. Under the bill each house may vote by two-thirds majority to override the posting requirement.

Patron - Smith

SB14 General Assembly Conflicts of Interests Act; disclosure of salary paid by government. Requires a member of the General Assembly to disclose in his annual disclosure of personal interests any salary and wages in excess of \$10,000 paid to him or his immediate family for employment with a state or local government or advisory agency. This bill was incorporated into SB 512.

Patron - Howell

SB118 General Assembly; conflict of interest disclosure. Specifies that disclosure forms filed by members of the General Assembly shall be posted on the website of the clerk of the appropriate house for the five years that they are maintained as public records.

Patron - Petersen

SB267 Virginia Commission on Energy and Environment. Requires the Division of Energy to present drafts of updates to the Virginia Energy Plan to the Commission on Energy and Environment; ensures the Commission's responsibility to review and consider the direct and indirect impacts of energy production and use on the Commonwealth's environment and natural resources; and allows the Commission to review and consider the impact of environmental laws, regulations, and initiatives on the Commonwealth's energy supplies.

Patron - Whipple

SB508 House and Senate Ethics Advisory Panels; proceedings. Provides that once the House or Senate Ethics Advisory Panel has initiated an investigation into the conduct of a legislator, it must complete its inquiry, report its findings, and dispose of the matter as provided by law, notwithstanding the resignation of the legislator during the course of the Panel's work. This bill was incorporated into SB 186.

Patron - Smith

SB514 General Assembly; compensation during regular session extension. Specifies that members of the General Assembly receive neither per diem allowance nor mileage reimbursement if the session is extended past the date scheduled for adjournment sine die.

Patron - Norment

SB515 General Assembly; Budget Bill(s). Requires the Chairman of the House Appropriations Committee and the Chairman of the Senate Finance Committee to issue reports concurrently with the budget conference report that specifically identify (i) any nonstate appropriation, (ii) any item in the conference report that was not included in the Budget Bill(s) as passed by either the House or the Senate, and (iii) any item that represents a piece of legislation that failed during that session in either house.

Patron - Norment

SB524 General Assembly Conflicts of Interests Act; establishment of the General Assembly Ethics Review Panel. Establishes one five-member General Assembly Ethics Review Panel in place of the present separate House and Senate Ethics Advisory Panels to investigate complaints of violations of the Act. The Panel may institute a complaint against a member of the General Assembly on its own motion. Except during the preliminary investigation stage, the proceedings of the Panel shall be public and all reports of the Panel shall be public. The bill also provides that the Panel may impose a civil penalty of up to \$250 for filing a frivolous complaint and reiterates that the filing of a false complaint is punishable as perjury. This bill was incorporated into SB 186.

Patron - Norment

SB603 General Assembly Conflicts of Interests Act; penalties. Makes it a Class 6 felony to knowingly violate § 30-103, which lists 11 categories of prohibited conduct for General Assembly members, if the violation involves a monetary value of more than \$250. Current law makes a knowing violation of the Act a Class 1 misdemeanor.

Patron - Smith

SB618 Virginia Slave Commission. Establishes the Virginia Slave Commission in the legislative branch of state government for the purpose of addressing political, economic, educational, and societal issues and public policies whose roots lie in the transatlantic slave trade. The Commission, among other things, must (i) identify the vestiges and assess the effects of the transatlantic slave trade on African Americans, the Commonwealth, and modern societal problems and public policies,

(ii) explore and showcase the contributions of African Americans in building Virginia and the nation, (iii) determine the educational and economic value to the Commonwealth of preserving sites and facilities of historic and archaeological significance to African American culture and contributions, and (iv) recommend feasible and appropriate options to resolve lingering societal problems whose roots lie in slavery.

Patron - Lucas

SB707 Autism Advisory Council. Creates the Autism Advisory Council as an advisory council in the legislative branch of state government to promote coordination of services and resources among agencies involved in the delivery of services to Virginians with autism spectrum disorders and to increase public awareness of such services and resources. The Council shall sunset on July 1, 2014.

Patron - Houck

Carried Over

HB778 Publication of House and Senate voting records. Provides that, beginning with the 2011 Regular Session of the General Assembly, the Legislative Support Commission, through the Division of Legislative Automated Systems, from information and data provided by the Clerk of the House and the Clerk of the Senate, must post on the legislative electronic information system (LIS) the recorded committee, subcommittee, and floor votes of each member of the General Assembly on legislation acted upon in each house. The information pertaining to the voting records of legislative members must be electronically accessible to state agencies, political subdivisions, and the public.

Patron - LeMunyon

SB186 General Assembly Conflicts of Interests Act; establishment of a General Assembly Ethics Review Panel. Makes a number of revisions to the process followed by the Senate Ethics Advisory Panel, including requiring that proceedings beyond the preliminary investigation phase shall be public. This bill incorporates SB 508 and SB 524. This bill is continued to the 2011 Session.

Patron - Northam

General Provisions of Virginia Code

Passed

HB706 General Assembly deadlines; computation of time. Provides that when an act of the General Assembly or local governing body, order of the court, or administrative regulation or order requires an action to be completed or taken on a Saturday, Sunday, legal holiday, or any day or part of a day on which the state or local government office is closed, the act may be performed or the action may be taken on the next business day that is not a Saturday, Sunday, legal holiday, or day when the state or local government office is closed.

Patron - Peace

Failed

HB112 Constitutionally guaranteed rights of unborn children. Provides that persons, including unborn children at every stage of development, enjoy the inherent rights to the enjoyment of life and liberty guaranteed by Article

I, Section 1 of the Constitution of Virginia and the right to due process guaranteed in Article I, Section 11 of the Constitution of Virginia.

Patron - Marshall, R.G.

HB762 State song. Designates "O Virginia," by Pauline and Pauron Wheeler, as the interim official state song. The bill also contains a technical amendment.

Patron - McClellan

HB1082 Emblems of the Commonwealth; state soil. Designates "Pamunkey soil" as the official soil of the Commonwealth.

Patron - Crockett-Stark

HB1392 Emblems of the Commonwealth; Bohemian Czech and Slovak Historic Region of Virginia. Designates the New Bohemia Region of Prince George County as the Bohemian Czech and Slovak Historic Region of Virginia.

Patron - Ingram

SB6 Outlying landing fields. Amends the current Code to require approval by the General Assembly before the United States acquires property for an outlying landing field in localities that have no current military base at which aircraft squadrons are stationed. Currently, the law does not require such approval but instead gives conditional consent for all acquisition by the United States of any lands in the Commonwealth required for needful public buildings under clause 17, § 8, Article 1 of the United States Constitution.

Patron - Quayle

Health

Passed

HB11 Health services; peer utilization reviews. Clarifies that a health care provider may seek reconsideration or appeal of an adverse health care utilization review decision, and that written notification of an adverse decision must include instructions for requesting reconsideration or an appeal. This bill also provides that when a treating provider requests a peer review of an adverse decision during the reconsideration process, the request for reconsideration shall be vacated and the request shall be considered a request for an appeal, and that in any case under appeal, the case shall be reviewed by a peer of the health care provider proposing the treatment at issue who shall be board certified in the same or similar specialty as the treating health care provider. This bill contains a delayed enactment clause and shall not become effective until October 1, 2010.

Patron - Marshall, R.G.

HB85 Umbilical cord blood education. Requires the Commissioner of Health to make information relating to umbilical cord blood developed by the Parent's Guide to Cord Blood Foundation available to the public on a website maintained by the Department of Health. This bill also requires health care practitioners who provide prenatal care to make information about umbilical cord blood available to every pregnant patient prior to the beginning of the patient's third trimester of pregnancy or at the time of the patient's first visit, whichever is later.

Patron - Marshall, R.G.

HB173 EMS providers; vaccinations. Allows emergency medical services providers to administer vaccines to

adults and minors pursuant to a protocol approved by the Board of Nursing. This bill contains an emergency clause. This bill incorporates HB 798 and is identical to SB 328.

Patron - Pogge

HB270 Plan for the vaccination of school children. Requires the Department of Health to include in its vaccination plans procedures to ensure the prompt vaccination of all persons of school age in the Commonwealth, without preference regarding the manner of compliance with the compulsory school attendance law, upon declaration of an emergency involving a vaccine-preventable disease and consent of the parent of the person of school age, or the person of school age if such person is not a minor. This bill also requires the plans developed be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention and be subject to the same review and update requirements as the State Emergency Operations Plan.

Patron - Englin

HB371 COPN exception; establishment of a psychiatric service. Provides that the Commissioner of Health shall accept and review applications in any certificate of public need Batch Group G review cycle and may issue certificates of public need for the establishment of psychiatric services resulting from a relocation of psychiatric beds from one hospital in Planning District 5 to another hospital in Planning District 5. This bill also provides that no psychiatric beds relocated from one hospital to another hospital in Planning District 5 pursuant to such certificate of public need shall be converted to any other use than inpatient psychiatric care. This bill contains an emergency clause.

Patron - Shuler

HB415 Certificate of Public Need; exception. Provides that the relocation of no more than 10 nursing home beds or 10 percent of the beds, whichever is less, from one facility to another facility under common ownership or control that is located in an adjacent planning district shall not constitute a "project" and shall be exempt from the requirement of a certificate of public need, provided that the facility to which the beds will be relocated is in compliance with all other laws governing such facilities and, as of December 31 of the year preceding the year in which relocation is proposed, (i) the occupancy rate of the facility from which beds are to be relocated was, based upon the total number of beds for which the facility is licensed, less than 90 percent for that preceding year; (ii) the average occupancy rate of the facility to which beds are to be relocated was, based upon the total number of beds for which the facility is licensed, 95 percent or more over the previous two years; and (iii) prior to the transfer, the facility to which the beds are to be relocated was licensed for 50 or fewer nursing home beds. This bill is identical to SB 470.

Patron - Oder

HB708 Home health aides; drug testing. Requires home health care organizations to establish policies for maintaining a drug-free workplace, which may include drug testing of employees, and requires home health care organizations to report any positive result of any drug test to the health regulatory boards responsible for licensing, certifying, or registering the person to practice, if any.

Patron - Peace

HB710 Health care data and reporting. Requires the Department of Health to take steps to increase public awareness of data and information related to health care quality that is available through a website maintained by a nonprofit organization with which the Department has entered into a contract, and to provide guidance regarding how such data and informa-

tion can be used to inform decisions about health care providers and services.

Patron - Peace

HB733 Medicaid fraud. Provides that a person will be guilty of Medicaid fraud and therefore punishable for causing certain acts, in addition to knowingly and willfully engaging in such acts. The bill also provides that the Director of the Department of Medical Assistance Services may terminate or deny Medicaid provider contracts for a violation of statutes setting forth the crimes constituting Medicaid fraud or any other felony, or for any other reason for which the U.S. Secretary of Health and Human Services may do the same. The bill also requires the Director of the Department of Medical Assistance Services to investigate options for a comprehensive system that utilizes external records search and analytic technologies for the collection and review of data from public and private sources, to detect, prevent and investigate fraud, waste and abuse in Virginia's medical assistance services program, and to report his findings by December 1, 2010.

Patron - Albo

HB1039 Notification of breach of medical information. Requires notification to residents of the Commonwealth if their unredacted or unencrypted medical information or health insurance information is the subject of a database breach. The notification required by this section would apply only to state and local government entities. This bill would become effective January 1, 2011. This bill incorporates HB 525. This bill is identical to SB 224.

Patron - Byron

HB1285 Certificate of public need; public notice. Clarifies the role of the Department of Health regarding public hearings, including public notification of a public hearing, for applications for certificates of public need in cases in which a regional health planning agency has not been designated.

Patron - Orrock

HB1304 Virginia Health Workforce Development Authority; creation. Creates the Virginia Health Workforce Development Authority to take over the duties of the Statewide Area Health Education Centers Program. The mission of the Authority is to facilitate the development of a statewide health professions pipeline that identifies, educates, recruits, and retains a diverse, appropriately geographically distributed and culturally competent quality workforce. The bill also exempts the Authority from the Virginia Personnel Act, the Virginia Public Procurement Act, and taxation. This bill is identical to SB 731.

Patron - Nutter

HB1378 Department of Medical Assistance Services; pilot program for the use of biometric data. Requires the Department of Medical Assistance Services to design and develop a plan for a pilot program for the use of biometric data to identify medical assistance services recipients and link services rendered to specific recipients, in order to (i) increase the quality of care provided to recipients of medical assistance services; (ii) improve the accuracy and efficiency in billing for medical assistance services by providers; and (iii) reduce the potential for identity theft and the unlawful use of recipients' identifying information.

Patron - Sickles

HJ56 Virginia Cancer Plan; report. Requests the Virginia Cancer Plan Action Coalition to report on changes to the Virginia Cancer Plan to the Governor, the General Assembly,

and the Joint Commission on Health Care in each year that changes are made to the Virginia Cancer Plan.

Patron - Dance

SB193 Medicaid provider agreements; authority to terminate. Allows the Director of the Department of Medical Assistance Services to refuse to enter into or renew, or elect to terminate an existing provider agreement or contract for any of the reasons the U.S. Secretary of Health and Human Services may do the same, makes clear that in cases in which a contract or agreement is terminated, the provider shall be entitled to an appeal of the decision, and that the director may consider aggravating or mitigating factors in determining the period of exclusion when a contract is terminated. This bill also requires the promulgation of emergency regulations.

Patron - Northam

SB265 Hospice and home health care; licensure. Amends hospice licensure standards to allow inspections of facilities that are exempt from licensure to the extent necessary to ensure public health and safety, and allows the Commissioner of Health to cause any hospice or home care organization facility that fails such inspection to be relicensed. The bill requires home care organizations approved for payments for home health or personal care services by the Department of Medical Assistance Services prior to July 1, 2010, and not exempt from licensure to apply for licensure within 180 days of the effective date of the act and provides that such organizations shall be exempt from licensure until July 1, 2012, or until such time as the Commissioner has acted upon their application for licensure, whichever occurs first. This bill also prohibits new home care organizations from being licensed until July 1, 2012, but allows the Commissioner of Health to issue a request for and accept applications for: (i) the establishment of home care organizations in federally designated Health Professional Shortage Areas or (ii) home care organizations approved for payments for home health or personal care services by the Department of Medical Assistance Services prior to July 1, 2010.

Patron - Whipple

SB328 EMS providers; vaccinations. Allows emergency medical services providers to administer vaccines to adults and minors pursuant to a protocol approved by the Board of Nursing. This bill contains an emergency clause. This bill is identical to HB 173.

Patron - Stuart

SB470 Certificate of Public Need; definition of project. Provides that the relocation of no more than 10 nursing home beds or 10 percent of the beds, whichever is less, from one facility to another facility under common ownership or control that is located in an adjacent planning district shall not constitute a "project" and shall be exempt from the requirement of a certificate of public need, provided that the facility to which the beds will be relocated is in compliance with all other laws governing such facilities and, as of December 31 of the year preceding the year in which relocation is proposed, (i) the occupancy rate of the facility from which beds are to be relocated was, based upon the total number of beds for which the facility is licensed, less than 90% for that preceding year; (ii) the average occupancy rate of the facility to which beds are to be relocated was, based upon the total number of beds for which the facility is licensed, 95% or more over the previous two years; and (iii) prior to the transfer, the facility to which the beds are to be relocated was licensed for 50 or fewer nursing home beds. This bill is identical to HB 415.

Patron - Miller, J.C.

SB540 Rights of patients in nursing homes. Requires a written acknowledgment that a nursing home patient is fully informed about the services available at the facility and the charges for such services, and adds a responsible party as defined in regulation to the list of persons who can act on behalf of an incapacitated person.

Patron - Newman

SB549 Virginia Network for Geospatial Health Research Authority; created. Requires the Secretaries of Health and Human Resources and Technology to evaluate opportunities to partner with nonprofit organizations and institutions of higher education in the Commonwealth to develop a network for geospatial health research, and to report on their findings to the Governor; the Senate Committees on Education and Health, Finance, and General Laws and Technology; and the House Committees on Appropriations, Health, Welfare, and Institutions, and Science and Technology no later than December 1, 2010.

Patron - Barker

SB653 Certificate of public need; exception. Allows the Commissioner of Health to accept and approve a request to amend the conditions of a certificate of public need issued to a continuing care provider registered with the State Corporation Commission in which nursing facility or extended care services are provided to allow such continuing care provider to continue to admit community patients, other than contract holders, to its nursing facility beds through December 31, 2013, if the following conditions are met: (i) the facility is located in the City of Norfolk and operated as a not-for-profit and (ii) the facility's contract holder occupancy rate is less than 85 percent at the time of such application.

Patron - Northam

SB731 Virginia Health Workforce Development Authority; creation. Creates the Virginia Health Workforce Development Authority to take over the duties of the Statewide Area Health Education Centers Program. The mission of the Authority is to facilitate the development of a statewide health professions pipeline that identifies, educates, recruits, and retains a diverse, appropriately geographically distributed and culturally competent quality workforce. This bill also exempts the Authority from the Virginia Personnel Act, the Virginia Public Procurement Act, and taxation. This bill is identical to HB 1304.

Patron - Reynolds

Failed

HB35 Health care data reporting; surgical complications. Requires any physician, regardless of whether he performed the surgical procedure, who treats a patient experiencing complications from an inpatient or outpatient surgical procedure which occur within 60 days of the performance of the procedure, to report to the Board of Health on such complications in accordance with the Board's regulations.

Patron - Marshall, R.G.

HB36 Disease prevention and control; Lyme disease. Adds Lyme disease to the list of diseases required to be reported to the Department of Health.

Patron - Marshall, R.G.

HB117 Continuing care retirement community board of directors; resident representation. Requires that no less than 20 percent of the members of the board of directors of a corporation providing continuing care at a facility shall be residents of the facility elected to serve as resident representa-

tives by the residents of the facility. This bill provides that resident representatives shall have the same voting rights as other members of the board, and that a corporation may comply with the requirement by increasing the number of directors on the board or by replacing sitting directors with resident representatives as their terms expire or vacancies arise.

Patron - Purkey

HB132 Alternative onsite sewage systems. Prohibits the Department of Health from issuing permits from alternative onsite sewage systems that are located in a wetland, (ii) setback less than 50 feet from any impaired waters, (iii) within one foot vertically of any groundwater resource, or (iv) discharging directly into a groundwater resource if located in the watershed of any impaired waters. The bill allows localities that include impaired waters to require maintenance standards and requirements for onsite sewage systems that exceed those established by the State Board of Health.

Patron - Pollard

HB148 Certificate of Public Need; exception. Requires the Commissioner of Health to accept and review applications and authorizes the Commissioner of Health to issue certificates of public need for the addition of up to 10 Medicaid-eligible beds for nursing homes that are operated not for profit, are located in Planning District 15 but accept patients from areas of the Commonwealth outside of the planning district, and provide care for patients regardless of ability to pay. This bill is identical to SB 58.

Patron - O'Bannon

HB189 Immunizations; philosophical exemption. Establishes a philosophical exemption from requirements for immunizations.

Patron - Purkey

HB287 Regulation of marinas. Requires issuance of a certificate to operate by the Department of Health for operation of a marina or other place where boats are moored. The bill establishes a procedure and fee structure for issuance of certificates and establishes the Marina Fund to receive fees collected to be used to support the Department of Health's Marina Program.

Patron - Dance

HB325 Virginia Respite Care Registry. Directs the Department for the Aging to establish and maintain the Respite Care Registry to make information about adult day services providers, community respite care organizations, and other providers of respite care available to the public. The bill also establishes the Virginia Respite Care Fund, to consist of voluntary income tax contributions to support the Respite Care Registry. This bill was incorporated into HB 464.

Patron - Plum

HB332 Alternative onsite sewage systems; routine testing; who may test. Prohibits the Department of Health from requiring that owners of alternative onsite sewer systems with flows of less than or equal to 1,000 gallons per day and serving a single-family dwelling provide analyzed samples of effluent on a routine and recurring basis. The Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals must develop licensure for (i) employees or agents of licensed operators and (ii) owner-operators of an individual single-family dwelling that have demonstrated the competence and knowledge to operate, monitor, and maintain their own alternative onsite sewage system. Any professional engineer with a current license in the Commonwealth may